United States Department of Agriculture

AGRICULTURAL RESEARCH ADMINISTRATION

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

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SEPARATE

SERVICE AND REGULATORY ANNOUNCEMENTS[1]

JULY–SEPTEMBER 1948

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QUARANTINE AND OTHER OFFICIAL ANNOUNCEMENTS

ANNOUNCEMENTS RELATING TO COOPERATIVE SUPPRESSION OF PLANT DISEASES AND INSECT PESTS

TITLE 7—AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 303—COOPERATIVE SUPPRESSION OF PLANT DISEASES AND INSECT PESTS

SUBPART—GOLDEN NEMATODE SUPPRESSIVE PROGRAM, 1948 SEASON

Pursuant to the authority vested by Section 6 of the Golden Nematode Act (Public Law 645, 80th Cong., approved June 15, 1948), and having determined that the State of New York, through legislation, appropriations, and quarantine

[1] Compiled by Ralph W. Sherman, Office of the Assistant Chief in Charge of Regulatory Work.

regulations has taken action and provided funds and means to carry out effectively a cooperative program to suppress, control, and prevent the spread of the known infestation of the golden nematode in accord with the other provisions of the Golden Nematode Act, the Secretary of Agriculture of the United States and the Commissioner of Agriculture and Markets of the State of New York have cooperatively determined that the following procedures and rates shall be used in compensating growers in the portion of Long Island, New York, where the golden nematode is known to occur for carrying out a program for the control and suppression of this nematode during the 1948 season:

§ 303.1–1 *Compensation only to nongrowers of potatoes.*—Compensation will be paid only to those growers who refrained from planting potatoes on land infested or exposed to infestation by the golden nematode, and who grew on such lands only such crops as were approved by the Department of Agriculture and Markets of the State of New York.

§ 303.1–2 *Conpensation to nonowners of land involved.*—The State of New York, through its Commissioner of Agriculture and Markets, will assume full responsibility for and make the entire compensation payments to growers who refrained from planting potatoes on land which was infested or exposed to in festation by the golden nematode and which was not owned by such growers.

§ 303.1–3 *Compensation to owner-operators.*—(a) *Apportionment of losses.*—Losses to owner-operators of lands infested by or exposed to the golden nematode who refrained from growing potatoes shall be borne by the United States Department of Agriculture, the Department of Agriculture and Markets of the State of New York, and the owner-operator.

(b) *Joint payments by Federal and State governments.*—The full and uniform amount to be paid jointly by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York to each owner-operator of lands infested by or exposed to the golden nematode shall be at the rate of $150 per acre, divided equally between the two named agencies. The payment of $150 will be made only to owners who have complied in good faith with all regulations concerning the golden nematode promulgated by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York.

(c) *Computation of payments.*—It has been determined that, based on (1) the estimated value of crops that were approved by the Department of Agriculture and Markets of the State of New York for production on lands infested by the golden nematode, (2) an analysis of the average cost of producing potatoes in Nassau County, Long Island, New York, (3) the average annual yield of potatoes in said Nassau County, and (4) the estimated sale value of potatoes in that area, the joint compensation of $150 per acre will not be more than two thirds of the total loss accruing to the owner-operator.

§ 303.1–4 *Agreement and voucher forms.*—As a condition of payment each owner-operator shall enter into an agreement with the Department of Agriculture and Markets of the State of New York, which shall be executed at least in duplicate. One fully executed copy of the agreement and a certificate by a responsible officer of the Department of Agriculture and Markets of the State of New York, both of which shall be substantially in the form appended hereto, shall be attached to and made a part of each voucher (Standard Form 1034) executed by a grower seeking to receive compensation from the United States Department of Agriculture. The purpose of the voucher shall be stated substantially as follows:

"One-half of compensation for refraining from planting potatoes on _____ _____ acres of land infested by or exposed to the golden nematode."

§ 303.1–5 *Agency designated to act for Federal Government.*—The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture is hereby authorized to carry out, on behalf of the Federal Government, the cooperative program to suppress, control, and prevent the spread of the golden nematode.

§ 303.1–6 *Agent of Secretary of Agriculture to determine eligibility for payment.*—Ralph A. Sheals, in Field Charge, Golden Nematode Project, Hicksville, Long Island, New York, working under the direction of the Chief of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, is hereby designated as the authorized agent of the Secretary of Agriculture in determining eligibility for compensation under the regulations in this subpart and approving the amount of compensation to be provided by the United States Department of Agriculture to any owner-operator who refrained from planting potatoes during 1948.

(Act of June 15, 1948, Public Law 645, 80th Cong.)

The Golden Nematode Act was not approved until June 15, 1948, at which time potato-growing operations were already well under way. Therefore, in order to be of value to the program for suppressing, controlling, and preventing the spread of the golden nematode for the 1948 season, it is necessary that these regulations be made effective at once. Compliance with the provisions of the regulations is not obligatory, but confers a benefit upon eligible growers. For the reasons stated, it is found upon good cause, pursuant to the provisions of Section 4 of the Administrative Procedure Act (60 Stat. 238), that notice and public procedure on these regulations are unnecessary, impractical, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the Federal Register.

Done in the District of Columbia this 31st day of August 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

Concurred with August 31, 1948:
C. CHESTER DUMOND,
Commissioner of Agriculture and Markets, State of New York.

APPENDIX

CONTRACT NO. ————

AGREEMENT FOR THE CONTROL AND PREVENTION OF THE GOLDEN NEMATODE DISEASE OF POTATOES (*Heterodera rostochiensis*)

This Agreement, made this _____ day of _____, 1948, by and between the people of the State of New York, acting by and through C. Chester Du Mond, Commissioner of Agriculture and Markets of the State of New York, party of the first part, hereinafter called the "State", and_____ _____ of the Town of_____, County of_____ _____, State of New York, and whose P. O. address is_____, party of the second part, hereinafter called the Owner.

Witnesseth:

Whereas, it is desired to control and prevent the spread of the golden nematode disease of potatoes (Heterodera rostochiensis), and

Whereas, the Commissioner of Agriculture and Markets has determined that the lands hereinafter described are owned by the party of the second part, and

Whereas, the Commissioner of Agriculture and Markets has determined the said lands to be dangerously exposed to infection or infestation by such nematode disease, and

Whereas, it is the desire of both parties that such lands shall receive appropriate treatment designed to purify them and suppress such disease.

Now, therefore, pursuant to the authority of Chapter 663 of the Laws of 1947, and Article 14 of the Agriculture and Markets Law of the State of New York, and in further consideration of the premises and the mutual covenants of the parties hereto, it is mutually agreed as follows:

1. Upon full compliance by the owner with all of the terms, conditions and covenants to be by him performed as herein provided, the State shall pay to the owner compensation therefor, at the rate of Seventy-five Dollars per acre for the lands hereinafter described, amounting in the aggregate to the sum of _____Dollars ($_____).

(NOTE.—It is contemplated that the compensation for the 1948 season will be divided equally between the State of New York and the Federal Government through the United States Department of Agriculture. This agreement as to amount of compensation deals only with the payment by the State of New York. Contingent on approval by the Secretary of Agriculture and availability of funds, the owner will receive an equal amount from the Federal Government.)

2. That the owner shall submit such lands to the full control and direction of the State and more particularly the Department of Agriculture and Markets of the State of New York, its agents, employees, and any person or agency to be designated by it, for the purpose of carrying out the program for the control and suppression of the golden nematode disease of potatoes during the growing year of 1948.

3. That such lands shall not be used for the growing of potatoes during the ensuing growing season.

4. That the owner shall during such season grow on said lands only such crops as shall be first approved by the Department of Agriculture and Markets of the State of New York.

5. That the owner shall cooperate at all times and in all respects as directed by the Department of Agriculture and Markets of the State of New York, its agents, employees, and any other person or agency duly designated by it in the program to be initiated and carried out for the control and suppression of golden nematode disease of potatoes during the life of this contract.

6. It is mutually understood and agreed that no liability arising out of the program for control authorized by this agreement shall accrue against the State, or the Commissioner of Agriculture and Markets, or any person designated by him to carry out the program, or any agency cooperating in the carrying out of this program, except for the payment of the compensation above provided.

7. It is mutually understood and agreed that this contract shall be deemed executory only to the extent of the moneys appropriated and available therefor.

8. This agreement shall bind the executors, administrators, trustees, distributees, successors and assigns of the owner.

9. It is mutually understood and agreed that the lands subject to the provisions and conditions of this agreement are more particularly described as follows, and the party of the second part hereto expressly represents, warrants, and declares he is the owner thereof:

All that certain parcel and acreage of lands situate in the Town of_____ _____, County of Nassau, State of New York, described upon the assessment rolls of Nassau County, as follows:

Section	Block	Lot	Acres
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

In witness whereof, the parties hereto have caused this agreement to be executed the day and year first above written, in counterparts.

THE PEOPLE OF THE STATE OF NEW YORK,
Commissioner of Agriculture and Markets of the State of New York.

_____
Owner.

Witness: _____

Albany, New York,
_____, 1948.

I, C. CHESTER DU MOND, Commissioner of Agriculture and Markets of the State of New York, do hereby certify that the party of the second part named in the within instrument has fully complied with all the terms, conditions and covenants to be by him performed as in the within instrument provided; that the acreage subject to compensation as above provided for is true and accurate; that said party of the second part is thereby entitled to the sum of Seventy-five Dollars per acre for _____ acres, making in all the sum of $_____ _____, no part of which has been paid, and payment of said sum of $_____, is hereby approved and allowed.

_____
Commissioner of Agriculture and Markets of the State of New York.

[Filed with the Division of the Federal Register, September 2, 1948, 8:55 a. m.; 13 F. R. 5140.]

ANNOUNCEMENTS RELATING TO GYPSY MOTH QUARANTINE (NO. 45)

VERMONT GYPSY MOTH AND BROWN-TAIL MOTH REGULATED AREA EXTENDED AND REALIGNED

(Press notice)

JULY 28, 1948.

Extension of the gypsy moth and the brown-tail moth regulated area in Vermont to include three additional towns and the shifting of 14 towns in the

same State from suppressive area to generally infested status were announced today by Secretary of Agriculture Charles F. Brannan.

Additions to the Vermont generally infested area include the towns of Duxbury and Waterbury in Washington County. The town of Bolton in Chittenden County has been added to the suppressive area in the State.

Also in Vermont, the generally infested area has been extended to include the following towns previously in the suppressive area: Granville and Hancock in Addison County, Dorset and Manchester in Bennington County, Chittenden, Clarendon, Danby, Mendon, Proctor, Rutland, Tinmouth, and West Rutland in Rutland County, and Fayston and Warren in Washington County. The suppressive area, Secretary Brannan explained, is the zone on the western periphery of the regulated zone in which suppressive measures are carried on with State cooperation for the purpose of eradicating infestations occurring there.

The list of articles exempted from the gypsy moth and the brown-tail moth certification requirements has also been revised to add greenhouse-grown woody plants, when so labeled.

B. E. P. Q.—Q. 45

Revision of Regulations Nos. 2, 3, 4, 9, and 10
Effective August 30, 1948

TITLE 7—AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

AMENDMENT TO REGULATIONS SUPPLEMENTAL TO GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE

Pursuant to the authority conferred by section 8 of the Plant Quarantine Act of 1912 as amended (37 Stat. 318, as amended; 7 U. S. C. 161), and Sections 1 and 3 of the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 and 143), Sections 301.45–2, 301.45–3, 301.45–4, 301.45–9, and 301.45–10 of the regulations supplemental to the quarantine on account of the gypsy moth and brown-tail moth (7 CFR 1945 Supp. 301.45 and 301.45–1 *et seq.*) are hereby amended to read as follows:

AUTHORITY: Secs. 1, 3, 33 Stat. 1269, 1270; sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161.

§ 301.45–2 *Regulated Area.*—The following area is hereby designated as regulated:

Connecticut.—Counties of Hartford, Middlesex, New London, Tolland, and Windham; towns of Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Plymouth, Salisbury, Sharon, Thomaston, Torrington, Warren, and Winchester, in *Litchfield County;* towns of Branford, Guilford, Madison, Meriden, North Branford, North Haven, Waterbury, and Wolcott, in *New Haven County.*

Maine.—Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in *Franklin County;* all of *Hancock County* except Plantations 3, 4, 35, and 41; all that part of *Oxford County* south and southeast of, and including, the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburgh, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in *Penobscot County;* towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in *Piscataquis County;* all that part of *Somerset County* south and southeast of, and including, Highland and Pleasant Ridge Plantations, town of

Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in *Washington County.*

Massachusetts.—The entire State.

New Hampshire.—Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of *Coos County* lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge.

New York.—Counties of Rensselaer, Saratoga, Schenectady, and Washington; all of *Albany County* except the town of Rensselaerville; all of *Columbia County* except the towns of Clermont, Germantown, Greenport, and Livingston, and the city of Hudson; towns of Amenia, Northeast, and Pine Plains, in *Dutchess County;* towns of Chesterfield, Crown Point, Essex, Moriah, Ticonderoga, Westport, and Willsboro, in *Essex County;* towns of Broadalbin, Johnstown, Mayfield, Northampton, and Perth, and the cities of Gloversville, and Johnstown, in *Fulton County;* towns of Coxsackie and New Baltimore, in *Greene County;* towns of Amsterdam, Florida, Glen, and Mohawk, and the city of Amsterdam, in *Montgomery County;* and the towns of Bolton, Caldwell, Hague, Luzerne, Queensbury, Stony Creek, Thurman, and Warrensburg, and the city of Glens Falls in *Warren County.*

Rhode Island.—The entire State.

Vermont.—Counties of Addison, Bennington, Orange, Rutland, Washington, Windham, and Windsor; towns of Barnet, Danville, Croton, Kirby, Peacham, Ryegate, St. Johnsbury, Waterford, in *Caledonia County;* towns of Bolton, Buels Gore, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Richmond, St. George, Shelburne, South Burlington, and Williston, and the cities of Burlington and Winooski, in *Chittenden County;* towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in *Essex County;* and the town of Elmore, in *Lamoille County.*

There are included in the regulated area three classifications of area (a) the suppressive area, (b) the generally infested area, and (c) the brown-tail moth area. These areas are defined as follows:

(a) *The suppressive area:*

Connecticut.—Towns of Canaan, Cornwall, Goshen, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, and Warren, in *Litchfield County.*

Massachusetts.—County of Berkshire; and the town of Monroe, in *Franklin County.*

New York.—Counties of Rensselaer, Saratoga, Schenectady, and Washington; all of *Albany County* except the town of Rensselaerville; all of *Columbia County* except the towns of Clermont, Germantown, Greenport, and Livingston, and the city of Hudson; towns of Amenia, Northeast, and Pine Plains, in *Dutchess County;* towns of Chesterfield, Crown Point, Essex, Moriah, Ticonderoga, Westport, and Willsboro, in *Essex County;* towns of Broadalbin, Johnstown, Mayfield, Northampton, and Perth, and the cities of Gloversville and Johnstown, in *Fulton County;* towns of Coxsackie and New Baltimore, in *Greene County;* towns of Amsterdam, Florida, Glen, and Mohawk, and the city of Amsterdam, in *Montgomery County;* and the towns of Bolton, Caldwell, Hague, Luzerne, Queensbury, Stony Creek, Thurman, and Warrensburg, and the city of Glens Falls, in *Warren County.*

Vermont.—All of Addison County except the towns of Granville and Hancock; towns of Arlington, Bennington, Glastenbury, Pownal, Rupert, Sandgate, Shaftsbury, Stamford, Sunderland, and Woodford, in *Bennington County;* towns of Bolton, Buels Gore, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Richmond, St. George, Shelburne, South Burlington, and Williston, and the cities of Burlington and Winooski, in *Chittenden County;* towns of Benson, Brandon, Castleton, Fair Haven, Hubbardton, Ira, Middletown Springs, Pawlet, Pittsford, Poultney, Sudbury, Wells, West Haven, in *Rutland County.*

(*b*) *Generally infested area:* All of the regulated area, exclusive of the suppressive area, constitutes the generally infested area.

(*c*) *Brown-tail moth area:* The area under regulation on account of the brown-tail moth is the same as that classified as the generally infested area.

§ 301.45–3 *Articles under regulation.*—(a) *Prohibited movement.*—The movement of living gypsy moths or brown-tail moths, in any stage of development, whether independently or in connection with any other articles, is prohibited, except as provided in § 301.45–5 (b) and 301.45–10 hereof.

(b) *Regulated movement.*—The movement of the following articles is regulated in accordance with the regulations in this subpart:

(1) All timber products, manufactured or unmanufactured, including poles, piles, bark, pulpwood, lumber, excelsior, shavings, and sawdust. Manufactured wood products, such as furniture, containers, and similar articles, except when maintained under conditions of exposure to infestation, are exempt from regulation.

(2) All trees, shrubs, plants, and vines, both deciduous and evergreen, having persistent woody stems, and parts thereof, including Christmas trees, excepting seed and fruit other than cones.

(3) Stone and quarry products.

(4) Any other articles when found on inspection to be infested with the gypsy or brown-tail moths.

§ 301.45–4 *Conditions governing the movement of regulated articles.*—(a) *Movement from regulated area.*—Unless exempted by administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine, regulated articles shall not be moved from the regulated areas to or through any point outside thereof unless accompanied by a valid certificate or limited permit issued by an inspector authorizing such movement.

(*b*) *Movement from the generally infested area into the suppressive area.*—Unless exempted by administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine, regulated articles shall not be moved from the generally infested area into the suppressive area unless accompanied by a valid certificate or limited permit issued by an inspector authorizing such movement.

(c) *Contingent restrictions on movement between points within the suppressive area.*—Whenever it is determined by the Chief of Bureau of Entomology and Plant Quarantine that control or eradication of the gypsy moth in any section of the suppressive area is being hampered or jeopardized through infestations resulting from movement into such sections of regulated articles, the Chief of the Bureau may, after appropriate notice, require inspection and certification, as provided in § 301.45–5 (a), for any or all regulated articles moving into such designated sections from other parts of the suppressive area.

(*d*) *Articles originating outside the regulated area.*—No certificates are required for the movement of regulated articles originating outside the regulated areas and moving through or reshipped from a regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles are safeguarded against infestation while in the regulated areas.

§ 301.45–9 *Cleaning of freight cars, trucks, boats, and other vehicles and containers.*—When, in the judgment of the inspector, a hazard of spread of infestation is present, freight cars, conveyances, and containers moved or intended to be moved between points within the regulated area, or from a point within the regulated area to a point outside the regulated area, shall be thoroughly cleaned before or after movement, as directed by the inspector.

§ 301.45–10 *Shipments for experimental and scientific purposes.*—Live gypsy moths and brown-tail moths in any stage of development and articles subject to requirements of the regulations in this subpart may be moved for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag issued by the Bureau of Entomology and Plant Quarantine.

This modification of § 301.45–2, § 301.45–3, § 301.45–4, § 301.45–9, and § 301.45–10 shall be effective on and after Aug. 30, 1948, and shall supersede those sections as issued October 4, 1945 (7 CFR 1945 Supp. §§ 301.45–2, 301.45–3, 301.45–4, 301.45–9, 301.45–10).

The primary purpose of this modification is to add new territory to the regulated area and to extend the generally infested area to include certain towns in Vermont now in the suppressive area. A few nonsubstantive changes have been made in the interest of explicitness.

Done at Washington, D. C., this 23d day of July 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[Copies of the foregoing revision were sent to all common carriers doing business in or through the quarantined area.]

[Filed with the Division of the Federal Register, July 29, 1948, 8:53 a. m.; 13 F. R. 4375.]

NOTICE TO GENERAL PUBLIC THROUGH NEWSPAPERS

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 23, 1948.

Notice is hereby given that the Secretary of Agriculture, under authority conferred on him by the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151 *et seq.*), and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 *et seq.*), has promulgated an amendment, effective August 30, 1948, to certain regulations supplemental to the gypsy moth and brown-tail moth quarantine (Notice of Quarantine No. 45; 7 CFR, 1945 Supp., 301.45 *et seq.*), the primary purposes of which are to extend the regulated area to include the towns of Duxbury and Waterbury in Washington County, Vermont, and Bolton in Chittenden County, Vermont; to designate the said town of Bolton as suppressive area and the said towns of Duxbury and Waterbury as generally infested area; to extend the generally infested area in Vermont to include the towns of Granville and Hancock, in Addison County, Dorset and Manchester in Bennington County, Chittenden, Clarendon, Danby, Mendon, Proctor, Rutland, Tinmouth, and West Rutland, in Rutland County, and Fayston and Warren, in Washington County; and to make minor changes in other parts of the regulations. Copies of the amended regulations may be obtained from the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[The above notice was published in The Daily Times, Barre, Vt., August 11, 1948.]

INSTRUCTIONS TO POSTMASTERS

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington 25, D. C., September 15, 1948.

DEAR POSTMASTER: Attention is invited to the enclosed copy of a revision of Plant Quarantine Order No. 45, issued on account of the gypsy moth and brown-tail moth by the United States Department of Agriculture, effective August 30, 1948, and to the enclosed administrative instructions, B. E. P. Q. 386, which became effective July 19, 1948.

The revision of the regulations of Quarantine No. 45 extends the regulated area to include the towns of Duxbury and Waterbury in Washington County, Vt., and Bolton in Chittenden County, Vt.; to designate the said town of Bolton as suppressive area and the said towns of Duxbury and Waterbury as generally infested area; to extend the generally infested area in Vermont to include the towns of Granville and Hancock, in Addison County, Dorset and Manchester in Bennington County, Chittenden, Clarendon, Danby, Mendon, Proctor, Rutland, Tinmouth, and West Rutland, in Rutland County, and Fayston and Warren, in Washington County; and to make minor changes in other parts of the regulations.

The revision of B. E. P. Q. 386 is for the purpose of adding greenhouse-grown woody plants, when so labeled, to the list of exempt articles contained in the instructions.

You will be governed accordingly when accepting in the mails any parcel containing any of the plants or plant materials or other matter which is a carrier of these plant pests. With regard to the enforcement of Federal plant quarantines see paragraph 1, section 595, Postal Laws and Regulations.

Very truly yours,

JOSEPH J. LAWLER,
Third Assistant Postmaster General.

B. E. P. Q. 386 (9th rev.). Effective July 19, 1948

TITLE 7—AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE; ADMINISTRATIVE INSTRUCTIONS; ARTICLES EXEMPT FROM CERTIFICATION

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of the gypsy moth and

brown-tail moth quarantine (7 CFR, 1945 Supp., 301.45), the administrative instructions exempting certain articles from certification (7 CFR, 1946 Supp., 301.45a; B. E. P. Q. 386, 8th Rev.), are hereby further revised to read as follows:

§ 301.45a *Administrative instructions; articles exempt from certification.* The following articles, the interstate movement of which is not considered to constitute a risk of gypsy moth or brown-tail moth dissemination, are hereby exempted from the requirements of the regulations of the quarantine:

(a) *Plants and cuttings*

Acacia cuttings (*Acacia* spp.).
Banana stalks, when crushed, dried, and shredded.
Boxwood cuttings (*Buxus sempervirens*).
California peppertree cuttings (*Schinus molle*).
Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).
Eucalyptus cuttings (*Eucalyptus globulus*).
Evergreen smilax cuttings (*Smilax lanceolata*).
Fuchsia (*Fuchsia* spp.).
Galax cuttings (*Galax aphylla*).
Geranium (*Pelargonium* spp.)
Heather cuttings (*Erica* spp. *Calluna* spp.).
Heliotrope (*Heliotropium* spp.).
Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.
Jerusalem-cherry (*Solanum capsicastrum, S. pseudocapsicum, S. hendersoni*).
Leaves of deciduous or evergreen trees that have been treated or dyed.
Mistletoe (*Phoradendron flavescens, Viscum album*, etc.).
Oregon huckleberry cuttings (*Vaccinium ovatum*).
Partridgeberry (*Mitchella repens*).
Salal cuttings, known to the trade as lemon cuttings, (*Gaultheria shallon*).
Strawberry plants (*Fragaria* spp.).
Trailing arbutus (*Epigaea repens*).
Verbena (*Verbena* spp.).
Wintergreen (*Gaultheria procumbens, Pyrola* spp.).
Wood and birch bark novelties, when waxed, polished, or otherwise treated, to eliminate pest risk.
All woody plants or parts thereof that have been grown in the greenhouse throughout the year and when labeled on the outside of the container to show that the contents were greenhouse grown.

(b) *Quarry products:*

Stone and quarry products when processed by grinding and pulverizing.
Vermiculite (variously termed zonolite or mica-gro) when exfoliated or expanded and when packaged in closed containers.

(c) *Timber products:*

The following materials are exempted from regulation when they have met the conditions as specified below for each and when invoices and waybills, covering bulk carload or less-than-carload shipments, bear a notation to the effect that the consignor certifies that the contents of the shipment have been produced under conditions which entitle the material to exemption as specified in the Federal gypsy moth quarantine regulations or administrative instructions issued in connection therewith:

Sawdust that has been (1) produced in established, nonportable commercial sawmills from boards or other timber previously sawed four sides, (2) subsequently blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 90° or sharper angle, (3) protected from infestation prior to shipment.

Shavings that have been either (1) produced by planers having six or more blades, or (2) blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 90° or sharper angle; and in either case protected from infestation prior to shipment.

Wood flour, pulverized wood, or ground wood sawdust, when processed by screening or sifting through a screen of at least 30 meshes per inch.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161).

This revision supersedes B. E. P. Q. 386, 8th Revision, effective March 18, 1946 (7 CFR, 1946 Supp., 301.45a).

These instructions shall be effective July 19, 1948, and shall thereafter remain in effect until further modified or revoked.

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Since these administrative instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the Federal Register.

Done at Washington, D. C., this 2d day of July 1948.

P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[Filed with the Division of the Federal Register, July 19, 1948, 8:48 a. m.; 13 F. R. 4119.]

ANNOUNCEMENTS RELATING TO JAPANESE BEETLE QUARANTINE (NO. 48)

TERMINATION DATES SET FOR JAPANESE BEETLE RESTRICTIONS ON FRUITS, VEGETABLES AND CUT FLOWERS

(Press notice)

AUGUST 25, 1948.

This summer's certification requirements under the Japanese beetle quarantine regulations applicable to the interstate movement of fruits, vegetables and cut flowers will be progressively terminated starting August 26, Avery S. Hoyt, Acting Chief of the Agricultural Department's Bureau of Entomology and Plant Quarantine, announced today.

Certification requirements for fruits and vegetables, except green corn, will be lifted at the close of August 26, with the restrictions on green corn remaining until the close of September 17.

Bulk shipments of fresh cut flowers, the regulated item most subject to late-season adult beetle infestation, will require certification through September 30.

B. E. P. Q. 572 Effective August 26, 1948

TITLE 7—AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

RESTRICTIONS OF JAPANESE BEETLE QUARANTINE ON CUT FLOWERS, FRUITS AND VEGETABLES DISCONTINUED FOR THE SEASON

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.48–4 (a) of the regulations supplemental to the Japanese beetle quarantine (7 CFR § 301.48–1 *et seq.*, 13 F. R. 2250), the dates have been determined beyond which shipping restrictions imposed by Administrative Instructions B. E. P. Q. 570, effective June 7, 1948 (7 CFR 301.48–4a; 13 F. R. 3071) are no longer necessary for this year. Administrative instructions to appear as § 301.48–4b in Title 7, Code of Federal Regulations, are hereby issued as follows:

§ 301.48–4b *Administrative instructions designating terminating dates of seasonal regulations of cut flowers, fruits and vegetables.*—It is hereby ordered that for the 1948 season the application of the requirements of §§ 301.48–4 (a) and 301.48–5 of the Japanese beetle regulations (7 CFR §§ 301.48–4 (a) and 301.48–5; 13 F. R. 2250) to unprocessed fresh, cut flowers when moved in bulk, and fresh fruits and vegetables of all kinds when shipped by refrigerator car or motor-truck only, shall terminate on the following dates:

(a) For fruits and vegetables, except green ear corn, at the close of August 26, 1948.

(b) For green ear corn, at the close of September 17, 1948.

(c) For cut flowers, at the close of September 30, 1948.

Under the provisions of the Japanese beetle quarantine and supplemental regulations (13 F. R. 2250), the interstate movement of fruits, vegetables, and cut flowers from the infested areas is restricted. It is essential to relieve these restrictions at the earliest moment consistent with safety, in order to permit movement of these articles without certification or treatment. Safety requires that this relief shall be applied progressively, dependent upon the time of cessa-

tion of heavy flight of the beetles and upon the susceptibility of the commodity involved to continued infestation. Such factors are unpredictable within narrow time limits. However, heavy flight of the beetles is now rapidly diminishing and its cessation is imminent. Experience demonstrates that the restrictions of the quarantine and supplemental regulations with respect to fruits, vegetables, and cut flowers may safely be withdrawn on the dates indicated above. For the reasons stated, it is found upon good cause, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), that notice and public procedure on this order are unnecessary, impracticable, and contrary to the public interest, and good cause is found for issuing the order effective less than thirty days after publication.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.)

Done at Washington, D. C., this 23d day of August 1948.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[Filed with the Division of the Federal Register, August 26, 1948, 8:49 a. m.; 13 F. R. 4998.]

ANNOUNCEMENTS RELATING TO MEXICAN FRUITFLY QUARANTINE (NO. 64)

B. E. P. Q. 568, Supplement No. 1 — Effective July 17, 1948

TITLE 7—AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY QUARANTINE; FURTHER EXTENSION OF HARVESTING SEASON

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.64–5 (a) of the regulations supplemental to the Mexican fruitfly quarantine (7 CFR 1945 Supp. §§ 301.64–1 through 301.64–7), the following administrative instructions are hereby adopted:

§ 301.64–5d *Administrative instructions; further extending harvesting season under requirements of Mexican fruitfly regulations.*—The present harvesting season for grapefruit, sweet limes, and "sour" and "bittersweet" oranges in the regulated area is hereby further extended from midnight July 17, 1948, until midnight July 31, 1948. The host free period for these fruits shall begin at 12:01 a. m., August 1, 1948, and continue through the last day of August 1948.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.)

The purpose of this action is further to extend the harvesting period for these fruits an additional two weeks beyond that provided for in administrative instructions effective June 15, 1948 (B. E. P. Q. 568), 13 F. R. 2471, which extended the harvesting season from midnight June 15, 1948, until midnight July 17, 1948. This further extension is needed because the available labor supply and conditions in the groves have delayed harvesting of the crop. The pest risk involved will not be increased, since sterilization of fruit will be required in the same manner as during the regular harvesting period. This action is taken in concurrence with the appropriate regulatory officials of the State of Texas. It is necessary that these administrative instructions become effective at once in order to permit the growers to plan their harvesting activities accordingly. Furthermore, these instructions relieve restrictions. For the reasons stated, it is found upon good cause, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), that notice and public procedure on these administrative instructions are unnecessary, impracticable, and contrary to the public interest and good cause is found for making them effective less than 30 days after their publication in the Federal Register.

Done at Washington, D. C., this 2d day of July 1948.

P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[Filed with the Division of the Federal Register, July 14, 1948, 8:50 a. m.; 13 F. R. 4008.]

B. E. P. Q. 568, Supplement No. 2 Effective July 31, 1948

TITLE 7—AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY QUARANTINE; FURTHER EXTENSION OF HARVESTING SEASON

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.64–5 (a) of the regulations supplemental to the Mexican fruitfly quarantine (7 CFR 1945 Supp. §§ 301.64–1 through 301.64–7), the following administrative instructions are hereby adopted:

§ 301.64–5e *Administrative instructions; extending throughout the year 1948 the harvesting season under requirements of the Mexican fruitfly regulations.*— The present harvesting season for grapefruit, sweet limes, and "sour" and "bittersweet' oranges in the regulated area is hereby extended from midnight July 31, 1948, throughout the year (*Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161*).

The purpose of this action is to extend the harvesting period for these fruits beyond that provided for in administrative instructions effective July 17, 1948 (B. E. P. Q. 568, Supplement No. 1), 13 F. R. 4008, which extended the harvesting season from midnight July 17, 1948, until midnight July 31, 1948.

This further extension, which will bring the shipping season for grapefruit, sweet limes, "sour" and "bittersweet" oranges in line with that for sweet oranges and other regulated citrus fruits, is needed because the available labor supply and conditions in the groves have delayed harvesting of the crop. The pest risk involved will not be increased since sterilization of the 1947–48 crop of grapefruit will be required throughout the shipping season. Trapping and grove inspection will be conducted during the summer and fall to ascertain if infestations exist within the groves or if the maturing 1948–49 crop is exposed to infestations, and marketing of the new crop in the fall of 1948 will be subject to such safeguards as are deemed necessary.

It is necessary that these administrative instructions, which relieve restrictions, become effective at once in order to permit the growers to plan their harvesting activities accordingly. For the reasons stated, it is found upon good cause, pursuant to provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), that notice and public procedure on these administrative instructions are unnecessary, impracticable, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the Federal Register.

This action in extending the shipping season is taken in concurrence with the appropriate regulatory officials of the State of Texas.

Done at Washington, D. C., this 30th day of July 1948.

P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[Filed with the Division of the Federal Register, August 6, 1948, 8:52 a. m.; 13 F. R. 4567.]

B. E. P. Q. 573 Effective September 11, 1948

TITLE 7—AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY QUARANTINE; LIFTING OF PERMIT AND STERILIZATION REQUIREMENTS

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.64–3 (a) and § 301.64–4 of the regulations supplemental to the Mexican fruitfly quarantine (7 CFR 1945 Supp., §§ 301.64–1 through 301.64–7) the following administrative instructions are hereby adopted:

§ 301.64–3h *Administrative instructions lifting permit and sterilization requirements for interstate movement of citrus fruits until further notice.*—

The Chief of the Bureau of Entomology and Plant Quarantine, having determined that natural conditions exist, with respect to the area regulated by Notice of Quarantine No. 64 on account of the Mexican fruitfly (7 CFR 1945 Supp., 301.64 to 301.64–7, incl.), which eliminate the risk of Mexican fruitfly infestations in regulated citrus fruits during the extended 1947–48 harvesting season as designated in B. E. P. Q. 568, supplement No. 2, effective July 31, 1948 (7 CFR § 301.64–5e, 13 F. R. 4567), and during the overlapping early part of the 1948–49 shipping season, hereby waives the permit requirements for interstate movement of such fruits from such regulated area, effective September 11, 1948, and until due notice of their resumption shall have been given. Further, administrative instructions contained in B. E. P. Q. 569 (7 CFR § 301.64–4f, 13 F. R. 2193), requiring that effective 12 : 01 a. m., April 24, 1948, and continuing throughout the 1947–48 harvesting season, all grapefruit, as a condition of certification for interstate movement from the Texas counties of Cameron, Hidalgo, and Willacy, shall be sterilized in accordance with the methods authorized in B. E. P. Q. 472, revised effective September 25, 1941, are hereby revoked, effective September 11, 1948.

These administrative instructions also cancel and supersede B. E. P. Q. 567, effective February 9, 1948 (7 CFR § 301.64–3f, 13 F. R. 611) and B. E. P. Q. 566, effective March 6, 1948 (7 CFR § 301.64–3g, 13 F. R. 1303).

(Section 8, 37 Stat. 318, as amended; 7 U. S. C. 161; 7 CFR 1945 Supp., 301.64–3 (a), 301.64–4.)

The purpose of this action is to discontinue until further notice all permit and sterilization requirements now prescribed as a condition for the interstate movement of regulated citrus fruits from the area regulated on account of the Mexican fruitfly. A trapping survey conducted in the regulated area during the last several weeks indicates that the above-mentioned counties have entered upon the period during which they are seasonally free from the Mexican fruitfly. It is therefore feasible to discontinue temporarily the precautions now in effect. Such action relieves citrus growers in the affected area of requirements that have been in effect during most of the present calendar year. In order to be of maximum benefit to the affected growers, the relief from these requirements must be effective as soon as possible. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found, upon good cause, that notice and public procedure on this order are unnecessary, impractical, and contrary to the public interest, and good cause is found for the issuance of this order effective less than 30 days after publication in the Federal Register.

Done at Washington, D. C., this 9th day of September 1948.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[Filed with the Division of the Federal Register, September 14, 1948, 9 : 04 a. m.; 13 F. R. 5360.]

ANNOUCEMENTS RELATING TO NURSERY STOCK, PLANT, AND SEED QUARANTINE (NO. 37)

FOREIGN PLANT IMPORT REGULATIONS REVISED

(Press notice)

JULY 22, 1948.

A revision of nursery stock, plant, and seed quarantine No. 37 to protect the United States more adequately from foreign plant pests was announced today by Secretary of Agriculture Charles F. Brannan. The new requirements governing the entry of most kinds of plants become effective January 1, 1949. Provisions for exclusion of certain plants which involve special risk become effective September 1, 1948.

The revised requirements include provision for postentry quarantine authorized by an amendment of the Plant Quarantine Act of 1912, approved July 31, 1947. This requirement will be applicable to certain kinds or classes of imported stock and provides that the plants be grown under supervision of the U. S. Department of Agriculture for a period sufficient to determine possible presence of infestations or infections that could not be detected by port-of-entry inspection.

Size-age limitations on the entry of certain plant material are defined in the revised regulations. Entry of a few other classes of nursery stock is limited to the form of seeds.

Other than bulbs, all restricted plant material will require treatment upon arrival in the United States, unless inspection shows treatment to be unnecessary. Where the required treatment cannot be satisfactorily applied, entry will be refused. Treatment is not required as a condition of entry of bulbs, except that when inspection of bulbs discloses injurious pests treatment may be required or entry refused.

The revised regulations prescribe procedures governing the entry of plants and plant materials. Some of these include new administrative features, and anyone interested in the importation of plants or plant materials should obtain a copy of the revised quarantine and regulations. These will be supplied upon request to the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C., or the same bureau at 209 River Street, Hoboken, N. J.

B. E. P. Q.—Q. 37 Revision of Quarantine and Regulations effective January 1, 1949
(Prohibitory requirements of Quarantine effective September 1, 1948)

TITLE 7—AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

Chapter III—Bureau of Entomology and Plant Quarantine

Part 319—Foreign Quarantine Notices

NURSERY STOCK, PLANT, AND SEED QUARANTINE NO. 37

Statement of Purpose

The purpose of the quarantine and regulations in this subpart is to prevent the entry into the United States of injurious plant pests from all foreign countries.

Previous revisions of this quarantine have determined that there existed in Europe, Asia, Africa, Mexico, Central and South America, and other foreign countries and localities certain injurious insects and fungus diseases new to and not theretofore distributed within and throughout the United States. They therefore declared it necessary to forbid the importation into the United States of certain nursery stock and other plants and seeds from all foreign countries, except as provided in rules and regulations supplemental to the quarantine.

The present revision is issued for the purpose of modifying such prohibitions and restrictions; specifying many exclusion procedures that have been carried on administratively for considerable periods under the general authority of the regulations; prescribing the manner in which the amendment to section 1 of the Plant Quarantine Act, approved July 31, 1947 (7 U. S. C. Supp. 154) shall be made effective; and establishing such other restrictive measures as are now deemed necessary to prevent the entry of plant pests.

Absolute prohibitions are now prescribed on the importation into the United States of specific plant material that might serve as a means of introducing plant pests from foreign countries where the pests occur. By authority of section 7 of the Plant Quarantine Act (7 U. S. C. 160) the quarantine prohibits the entry into this country of plant material for which a sound biological basis for exclusion exists. Most of these prohibitions are of long standing, previously having been administratively ordered as safety measures under the general authority of the regulations.

As a further means of preventing the entry into the United States of plant pests, certain import restrictions of the Plant Quarantine Act are made applicable to specified plants, roots, bulbs, and seeds by authority of section 5 of the act (7 U. S. C. 159.) In addition, provision is made to prohibit or restrict the importation into certain States of the United States of any nursery stock and other plants and seeds that might introduce injurious plant pests against which a State control program is directed.

As authorized in amended section 1 of the Plant Quarantine Act, conditions are established under which permits may be issued for the importation into the

United States of certain nursery stock and other plants and seeds. Further, certain limitations are prescribed on the entry of such nursery stock and other plants and seeds from foreign countries. These limitations include the requirement that such nursery stock and other plants and seeds be grown under postentry quarantine by or under the supervision of the United States Department of Agriculture for the purpose of determining whether imported plant material may be infested or infected with plant pests not discernible by port of entry inspection. Such remedial measures as are deemed necessary are also prescribed for application to imported nursery stock and other plants and seeds found to be infested or infected with plant pests.

Under the Insect Pest Act of 1905, regulations are established for the importation into the United States, for scientific purposes, of notoriously injurious, living insects.

Pursuant to the authority vested in the Secretary of Agriculture by the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. and Supp. 151 *et seq.*) and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 *et seq.*) and after public hearing and due consideration of all relevant material presented thereat, the quarantine and regulations in 7 CFR and Cum., 1943, and 1945 Supp., 319.37 through 319.37–15 are hereby amended to read as follows:

Sec.

319.37 Notice of quarantine.
319.37–1 Definitions.
319.37–2 Restricted plant material enterable without individual permits.
319.37–3 Bulbs.
319.37–4 Seeds.
319.37–5 Restricted plant material from Canada.
319.37–6 Restricted plant material generally.
319.37–7 Costs and charges.
319.37–8 Inspection; freedom from plant pests.
319.37–9 Treatment.
319.37–10 Importation by mail.
319.37–11 Notice of arrival.
319.37–12 Applications for and issuance of permits.
319.37–13 Certification.
319.37–14 Marking of containers.
319.37–15 Freedom from soil.
319.37–16 Approved packing materials.
319.37–17 Prohibited plant material accompanying restricted plant material.
319.37–18 Size-age limitations.
319.37–19 Postentry quarantine.
319.37–20 Plant material refused entry.
319.37–21 Ports of entry.
319.37–22 Importations for exportation and importations for transportation and exportation.
319.37–23 Importations by the Department of Agriculture.
319.37–24 Cooperation with States.
319.37–25 Insects imported for scientific and educational purposes.

AUTHORITY: §§ 319.37 through 319.37–25 issued under secs. 1, 3, 33 Stat. 1269, 1270; and secs. 1, 5, 7, 37 Stat. 315, 316, 317, as amended; 7 U. S. C. 141, 143, 154, 159, 160.

§ 319.37 *Notice of quarantine.*—(*a*) Under the authority conferred by section 5 of the Plant Quarantine Act (7 U. S. C. 159) and having given the public hearing required thereunder, the Secretary of Agriculture hereby determines that the unrestricted importation from any foreign country or locality, of field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, and fruit pits and other seeds of forest, fruit, and ornamental trees and shrubs; bedding plants; other herbaceous plants, bulbs, and roots; field, vegetable, and flower seeds; and other plants and plant products for, or capable of, propagation may result in the entry into the United States, its Territories, and the District of Columbia of injurious plant diseases and insect pests. Hereafter all such nursery stock, and other plants and plant products, except those designated in paragraph (*b*) of this section, shall be subject to all the provisions of sections 1 through 4 of the Plant Quarantine Act (7 U. S. C. and Supp. 154, 156, 157, 158) and shall not be imported into the United States, its Territories, or the District of Columbia except as provided in the regulations supplemental to this section: *Provided*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that existing conditions as to the pest risk involved in the importation of any of the above designated nursery stock, other plants or plant products to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective: *Provided further*, That this quarantine shall not

apply to nursery stock and other plants and seeds covered by special quarantines and other restrictive orders now in force or which may later be promulgated.

(*b*) Under the authority conferred by section 7 of the Plant Quarantine Act (7 U. S. C. 160) and having given the public hearing required thereunder, the Secretary of Agriculture hereby determines that, in order to prevent the introduction into the United States of certain tree, plant, and fruit diseases, and injurious insects, new to and not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to prohibit, and he hereby does prohibit, the importation into the United States, except by the United States Department of Agriculture for experimental or scientific purposes, of the following nursery stock and other plants and plant products from the foreign countries and localities hereinafter designated, because of the injurious insects or diseases therewith listed.

Plant material	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material
Abies spp	All foreign countries except Canada.	50 or more species of rusts.
		Phomopsis pseudotsugae Wilson (Douglas fir canker).
		Chrysomyxa abietis (Wallr.) Ung. (a rust causing a serious needle disease).
Acacia spp	Australia and Oceania	*Uromycladium tepperianum* (Sacc.) McAlp. (Rust).
Acer spp	Japan	*Xanthomonas acernea* (Ogawa) Burk (leaf disease).
	Bulgaria, England, France, Germany, and Japan.	Maple-variegation virus.
Aesculus spp	Czechoslovakia, England, and Germany.	Horsechestnut-variegation virus.
Aleurites spp	China and Brazil	*Mycosphaerella aleuritidis* (Miyake) Ou (leaf spot).
Althaea spp	India	Hollyhock yellow-vein mosaic virus.
	Africa	*Ruga gossypii* (cotton leaf-curl virus).
Anemone spp	Germany	*Galla anemones* Holmes (Anemone-Alloiophylly virus).
Berberis spp. (plants of all species not known to be immune or resistant to stem rust).	All foreign countries	*Puccinia graminis* Pers. (black-stem rust).
Berberis spp. seed	do	Do.
Castanea spp	All foreign countries when destined to California, Idaho, Oregon, or Washington.	*Endothia parasitica* (Murr.) Ander. and Ander. (chestnut bark disease).
Castanopis spp	All foreign countries when destined to California, Idaho, Oregon, or Washington.	*Endothia parasitica* (Murr.) Ander. and Ander. (chestnut bark disease).
Cedrus spp	Europe	*Phomopsis pseudotsugae* Wilson (Douglas fir canker).
		Fusarium fuliginosporum Sibilia (seedling disease).
Corylus spp	Canadian provinces east of Manitoba, when destined to California, Oregon, or Washington.	*Cryptosporella anomala* (Pk.) Sacc (filbert blight).
Cytisus spp	Bulgaria, England, and Germany.	*Marmor Laburni* Holmes (Laburnum-mosaic virus).
Daphne spp	New Zealand	Daphne mosaic virus.
Datura spp	India	Datura-mosaic virus.
	England	*Datura virus 1* Smith and d'Oliveira (Datura-Virosis virus).
		Marmor tabaci var. *deformens* Holmes (Enation-mosaic strain of tobacco-mosaic virus).
Dianthus spp	do	*Verticillium cinerescens* Wr.
Eucalyptus spp	Argentina	Leaf chlorosis virus.
	Ceylon, Europe, and Uruguay	*Pestalotia disseminata* Thuem. (parasitic leaf fungus).
Euonymus spp	Germany	*Marmor euonymi* Holmes (euonymus-mosaic virus).
Fraxinus spp	Europe	*Pseudomonas savastanoi* var. *fraxini* (Brown) Dowson (canker and dwarfing disease of ash).
Fruit and nut stocks, including seedlings but excluding stocks imported for the vegetative propagation of the stocks themselves.	All foreign countries except Canada.	A diversity of plant pests.

Plant material	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material
Gladiolus spp	Africa	*Puccinia mccleanii* Doidge.
		Uredo gladioli-buettneri Bub.
		Uromyces gladioli P. Henn.
		U. nyikensis Syd.
		U. transversalis (Thuem.) Wint. (Rusts).
Gossypium spp	All foreign countries	*Ruga gossypii* Holmes (cotton leaf-curl virus).
Hibiscus spp	India	Yellow-mosaic virus of okra.
	Sudan and Nigeria, Africa	*Ruga gossypii* Holmes (cotton leaf curl virus).
	Trinidad	Mosaic-disease virus of okra.
Hydrangea spp	Germany	Hydrangea-virescence virus.
Ilex spp	England and France	Ilex-variegation virus.
Jasminum spp	Belgium, England, and Germany.	Jasmine-variegation virus.
Juniperus spp	Finland, Rumania	*Exosporium deflectens* Karst. (needle-cast disease).
Laburnum spp	Bulgaria, England, and Germany.	*Marmor laburni* Holmes (laburnum-mosaic virus).
Lantana	India	*Chlorogenus santali* Holmes (sandal spike-disease of Lantana).
Larix spp	Europe	*Phomopsis pseudotsugae* Wilson (Douglas fir canker).
Ligustrum spp	Germany	*Marmor ligustri* Holmes (ligustrum-mosaic virus).
Mahoberberis spp. (plants of all species not known to be resistant to rust).	All foreign countries	*Puccinia graminis* Pers. (black-stem rust).
Mahoberberis spp. seed	do	Do.
Mahonia spp. (plants of all species not known to be resistant to rust).	do	Do.
Mahonia spp. seed	do	Do.
Malus spp. (except clonal understock).	Austria	*Diaporthe mali* Bres. (leaf, branch and fruit fungus).
	China	*Valsa mali* Miyabe and Yamada ex M. Miuri (branch canker fungus).
	Europe	*Monilinia fructigena* (Aderh. and Ruhl.) honey (brown rot of fruit).
	Japan	Do.
		Valsa mali Miyabe and Yamanda ex M. Miura (branch canker fungus).
	Korea	*Physalospora piricola* Nose (leaf, branch and fruit fungus).
	Manchuria	*Monilinia fructigena* (Aderh. and Ruhl.) honey (brown rot of fruit).
Malus spp	South Africa	Do.
		Mottle leaf or mosaic chlorosis of apple (virus).
Mangifera spp. seeds	All foreign countries except those in the Western Hemisphere.	*Sternochetus mangiferae* F. (mango weevil).
Morus spp	China and Japan	Mulberry mosaic virus.
Nicotiana spp	Australia and British Isles	*Marmor tethale* Holmes (tobacco-necrosis virus).
Nut and fruit stocks	(See Fruit and nut stocks.)	
Pelargonium spp	Australia and British Isles	Do.
Picea spp	Europe, Japan, and Siberia	*Chrysomyza rhododendri* (DC) D By. (rust causing a serious needle disease).
	Europe	*Phomopsis pseudotsugae* Wilson (Douglas fir canker).
Pinus spp. (2- or 3-leaved)	Europe and Japan	*Cronartium flaccidum* (Alb. and Schwein) Wint. (rust causing serious stunting of hard pines).
	Japan	An undescribed gall-forming rust.
Pinus spp. (5-leaved)	All foreign countries when destined to states protected by Domestic Plant Quarantine No. 63.[1]	*Cronartium ribicola* Fischer (white-pine blister rust).
Populus spp	Europe	*Pseudomonas rimaefaciens* Koning (canker).
Primula spp	Australia and British Isles	*Marmor lethale* Holmes (tobacco-necrosis virus).
Prunus spp. (including clones)	Germany	Pox-disease virus of sweet cherry.
	Switzerland	Rigi sweet cherry.

See footnote at end of table.

Plant material	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material
Prunus spp. (exclusive of clones).	Europe, Asia, Africa, Oceania (including Australia and New Zealand).	A diversity of plant diseases.
	All foreign countries except Canada when destined to California.	Do.
Pseudotsuga spp	Europe	*Phomopsis pseudotsugae* Wilson (Douglas fir canker).
Pyrus spp	Europe, Japan, Manchuria, and South Africa.	*Monilinia fructigena* (Aderh. and Ruhl.) honey (brown rot of fruit).
	Japan and China	*Gymnosporangium haraeanum* Syd. (rust).
		Gymnosporangium japonicum Syd. (rust).
	Korea	*Physalospora piricola* Nose (leaf, branch and fruit disease).
Quercus spp	Japan	*Stereum hiugense* Imazeki (white rot); and an undescribed gall-forming rust.
Ribes nigrum (both plants and seeds).	All foreign countries when destined to states protected by Domestic Plant Quarantine No. 63.[1]	*Cronartium ribicola* Fischer (white-pine blister-rust).
Ribes nigrum	England and New Zealand	*Aphelenchoides ribes* (Taylor 1917) Goodey 1923 (black current eelworm).
	British Isles	*Acrogenus ribis* Burk. (black current reversion disease virus).
Rosa spp	Australia, Italy, and New Zealand.	*Marmor flaccumfaciens* Holmes (rose wilt virus).
Salix spp	England and The Netherlands	*Bacterium salicis* Day (watermark disease).
Seeds of all kinds when in pulp	All foreign countries	Fruitflies.
Sorbus spp	Germany	*Pyrus disease virus No. 1.*
	China, Japan, Southeastern Asia, Philippine Islands, Oceania (including Australia and New Zealand).	*Taphrina piri* Kusano (Leaf distortion fungus).
Vitis spp	Europe	*Marmor viticola* Holmes (vine-mosaic virus).
Wisteria	Australia	Mosaic disease.

[1] 7 CFR 301.63 et seq. as amended.

Rules and Regulations

§ 319.37–1 *Definitions.*—Words used in the singular form in these regulations shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of the regulations the following words shall be construed, respectively, to mean:

(*a*) *Chief of Bureau.*—The Chief of the Bureau of Entomology and Plant Quarantine, or any officer or employee of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(*b*) *Bureau.*—The Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(*c*) *Inspector.*—Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act.

(*d*) *Person.*—Any individual, firm, corporation, company, society, association, or other organized group of any of the foregoing.

(*e*) *Importer.*—The permittee, agent of the permittee, or other person bringing to the United States plant material which is subject to this quarantine and these regulations.

(*f*) *Plant pest.*—Any living stage of the numerous small invertebrate animals belonging to the phylum Arthropoda (as, for example, insects, mites, ticks, centipedes, etc.), any form of elongated invertebrates lacking appendages, commonly referred to as worms (as, for example, nematodes), any form of protozoa, any form of fungi (as, for example, rusts, smuts, molds, and yeasts), any form of bacteria, any form of viruses, or any form of similar or allied organisms, which can directly or indirectly injure or cause disease in plants or parts thereof.

(*g*) *Restricted plant material.*—Any living material the entry of which is not prohibited by any quarantine or order, and which is subject to this quarantine, which is imported, offered for entry into, or arrives within the territorial limits of the United States.

(*h*) *Bulbs.*—The tubers of species of Anemone, Begonia, Cyclamen, Gloxinia, Ranunculus, and Eranthis, and the underground portions of plants of the botanical families Amaryllidaceae, Iridaceae, and Liliaceae, including bulbs, corms, rhizomes, tubers, pips, fleshy roots or other underground growths, a unit of which when planted produces an individual plant.

(*i*) *Seeds.*[2]—The mature ovular bodies produced by flowering plants, containing embryos capable of developing into new plants by germination.

(*j*) *Fruit and nut plants.*—Woody plants grown commercially for their edible fruiting parts, such as apples, grapes, almonds, and currants, but not such as mulberry, oak, and ginko.

(*k*) *Fruit and nut stocks.*—Plants which are to be budded or grafted with buds or scions of fruit or nut plants as distinguished from fruit and nut plants which are to be grown on for what they are.

(*l*) *Permit.*—A form of authorization to allow the importation of restricted plant material in accordance with these regulations.

(*m*) *United States.*—The continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(*n*) *Europe.*—The Continent of Europe, the British Isles, and the other Islands on the European continental shelf.

(*o*) *Treatment.*—Fumigation or any other process involving the application of a gas, dry or moist heat, chemicals, low temperatures, etc., excision of infected parts, or any other processing of plants or parts of plants including bulbs and seeds, that is designed to eliminate or control any infestation or infection by a plant pest.

§ 319.37–2 *Restricted plant material enterable without individual permits.*—Restricted plant material (except Aglaonema) which is imported for food, analytical, medicinal, or manufacturing purposes, and seed specified in paragraph (*a*) of regulation 4 may be entered without further permit other than the authorization contained in this regulation but subject to the conditions and requirements outlined in regulations 7, 8, 9, 11, 15, 16, 17, and 20: *Provided*, That the inspector may waive the inspection provided for in regulation 8 for any shipment when in his judgment such inspection is unnecessary.

§ 319.37–3 *Bulbs.*—Bulbs may be imported in accordance with the requirements of regulations 7, 8, 10 to 17, inclusive, and 20, except that entry will be refused to bulbs found upon inspection to contain injurious pests which may not be destroyed by treatment. Treatment of bulbs will be required when an inspector's examination discloses that, in his opinion, treatment is feasible to destroy infestations or infections of living plant pests. When treatment is required, the inspector shall prescribe a method of treatment for such bulbs in accordance with administratively authorized procedures known to be effective under the conditions under which they are applied. An inspector at a port not having special inspection or treating facilities may require shipments of bulbs to be transported in bond to a port with such facilities for inspection and treatment under such safeguards as he may prescribe.

Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of any such treatment.

The inspector may refuse entry to any bulbs which at the time of inspection at the port of entry are of such nature or are in such condition that, in his judgment, they cannot be treated without substantial injury.

The inspector may determine whether he will inspect bulbs on the piers or at special inspection facilities, and whether the entire shipment or any parts thereof as designated by him shall be transferred from the piers to special inspection facilities for inspection.

§ 319.37–4 *Seeds.*—(*a*) *Seeds importable without individual permits.*—Seeds of field crops, vegetables, and annual, biennial and perennial flowers which are essentially herbaceous in character, except seeds of Lathyrus, Vicia, and okra may be imported into the United States without further permit other than the authorization contained in this paragraph but subject to the conditions and requirements of regulation 2.

(*b*) *Seeds importable under permit.*—All seeds not under paragraph (*a*) of this regulation, not prohibited entry in this or any other quarantine, and not restricted in any other quarantine, and including seeds of Lathyrus, Vicia, and okra, which are free from pulp of a character which will support living larvae of fruitflies or

[2] Compliance by the importer with rules and regulations under the Federal Seed Act (7 U. S. C. 1551 *et seq.*) administered by the Production and Marketing Administration, U. S. Department of Agriculture, may also be required with respect to the importation of certain seeds which is regulated by the provisions of that act.

other injurious insects, other than stored-product insects of general distribution, may be imported into the United States with a permit. Such seed, except vetch seeds, may be imported in commercial quantities, subject to the requirements of regulations 7 to 17, inclusive, and 20, through ports that have special inspection facilities and are named in the permit issued for the seeds. Vetch seeds in commercial quantities may be imported subject to the requirements of the same regulations but through any port, except any port on the Pacific Coast, which is named in the permit and at which the services of an inspector are available and the seed may be treated as required by the inspector.

§ 319.37–5 *Restricted plant material from Canada.*—(*a*) Excepting the restricted plant material specified in regulation 2 which may enter at any point on the Canadian border where there is a Customs officer, and that which is specified in paragraph (*c*) of regulation 19, restricted plant material, including fruit and nut stocks, may be imported from Canada as baggage, express, or freight at any port where there is a United States Customs official and by mail pursuant to regulation 10, through ports named in the permits, subject to the conditions and requirements set forth in regulations 7 to 14, inclusive, and 16, 17, and 20, but the treatment requirement of regulation 9 shall be waived unless the condition of the shipment or other special circumstances necessitate, in the opinion of the inspector, the application of a treatment.

(*b*) Restricted plant material specified in paragraph (*c*) of regulation 19 may be imported from Canada under a permit issued in advance, through the port specified in the permit, and subject to all the conditions and requirements of regulations 7 to 14, inclusive, and 16, 17, 19, and 20.

(*c*) Restricted plant material may be certified under paragraph (*b*) of regulation 13 as of Canadian origin when it can be considered peculiar to or a standard production of the Dominion of Canada, or can be shown to have been imported from the United States. Herbaceous perennials imported into and grown on in Canada may be considered of Canadian production one growing season after importation. Woody plants, and greenhouse plants, such as orchids, ferns, palms, aspidistra, and other plants of like character, which have been imported into and grown on in Canada, except when imported into the Dominion from the United States, may not be considered as of Canadian origin and production and are enterable into the United States only under the requirements of regulation 6.

§ 319.37–6 *Restricted plant material generally.*—All restricted plant material excepting that specified in regulations 2 to 5, inclusive, may be imported subject to the conditions and requirements set forth in regulations 7 to 20, inclusive, through a port which has special inspection facilities, to be designated in the permits. In addition to these requirements, all importations of five-leaved pines, currants, and gooseberries shall be made under conditions which are in harmony with the plant disease control program under the domestic blister rust quarantine (7 CFR 301.63).

§ 319.37–7 *Costs and charges.*—The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer. No charge will be made to the importer for Government owned or controlled special inspection facilities and equipment used in treatment, but the inspector may require the importer to furnish any special labor, chemicals, packing materials, or other supplies required in handling an importation under this quarantine and these regulations. The Bureau will not be responsible for any costs or charges, other than those indicated in this regulation, in connection with the entry, unpacking, inspection, treatment, repacking, conditioning, storage, forwarding, or any other operation of any character incidental to the physical entry of an importation of restricted plant material.

§ 319.37–8 *Inspection; freedom from plant pests.*—Except as otherwise provided herein, all plant material shall be subject to inspection to determine freedom from pests, and to determine compliance with requirements of this quarantine and these regulations. Entry will be refused to restricted plant material found upon inspection to harbor injurious pests which are not widely prevalent in the United States when no adequate method of treatment is available. When inspection discloses that the only pests present are such as are known to be widely prevalent within the United States, the inspector may require as a condition of entry that the shipment be treated by the best method available. In the latter case, where no method of treatment is known or the degree of pest infestation or infection is determined by the inspector as negligible he may permit the entry of the restricted plant material under appropriate restrictions or safeguards, in accordance with procedures administratively authorized by the Chief of Bureau.

§ 319.37–9 *Treatment.*—(*a*) All restricted plant material, except bulbs, shall be treated upon arrival in the United States in a manner required by the inspector and under his supervision, and in a place approved by him. If this involves transportation of such material to a port having special inspection or treating facilities, the inspector may require that the material be transported in bond under such safeguards as he may prescribe. The inspector may waive treatment if in his judgment it is advisable to do so when inspection has failed to show cause for treatment. The inspector shall prescribe a schedule of treatment for restricted plant material according to a method selected by him in accordance with administratively authorized procedures known to be effective under the conditions under which the treatment is applied. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of any such treatment.

(*b*) The inspector may refuse entry to any restricted plant material (except bulbs) which at the time of inspection at the port of entry is of such nature or is in such condition that, in his judgment, it cannot be treated without substantial injury.

§ 319.37–10 *Importation by mail.*—Importation by mail of any restricted plant material for which a permit is required as a condition of entry pursuant to regulations 3 to 6, inclusive, will be permitted only when the shipment is accompanied from the foreign mailing point by a special mailing tag or label which will direct the package to the Bureau at the inspection point named on the tag or label, or when the package is addressed to the Bureau at an inspection point named in the permit authorizing the importation by mail. Special mailing tags or labels will be furnished by the Bureau upon request made at the time of application for permit under regulation 12 and will bear the identifying number of the permit.

§ 319.37–11 *Notice of arrival.*—Immediately upon arrival of any shipment of restricted plant material at a port of entry the importer shall submit, in duplicate, through the United States Collector of Customs and for the United States Department of Agriculture, a notice of such arrival, on forms provided for that purpose (form EQ–368) and shall give such information as is called for by that form: and he shall also submit with the notice an invoice or packing list which identifies the contents of the shipment.

§ 319.37–12 *Applications for and issuance of permits.*—Except as otherwise provided in regulations 2 and 4 (*a*) permits are required for importations of all restricted plant material. Persons desiring to import restricted plant material for which a permit is required as a condition of entry pursuant to regulations 3 to 6, inclusive, shall first submit to the Bureau an application [3] stating the name and address of the importer, the approximate quantity and kinds (botanical designations) of restricted plant material it is desired to import, the country where grown, the port of entry in the United States, the name and address of the agent, if any, representing the importer, the means of transportation to be employed, i. e. mail, air mail, express, air express, freight, air freight, or baggage. Such restricted plant material may be imported only after a permit has been issued, but if through no fault of the importer a shipment of such material arrives in advance of the issuance of a permit it may be held, under suitable safeguards prescribed by the inspector, in Customs custody and at the risk of the importer, pending the issuance of a permit, for a period not exceeding 20 days. Applications may be made orally or on forms provided for the purpose by the Bureau, or may be made by a letter or telegram containing all the information required by this paragraph.

Prospective importers of restricted plant material which will be required to be grown under postentry quarantine conditions outlined in regulation 19 shall also comply with paragraph (*b*) of regulation 19 in submitting the application for permit.

Upon receipt of an application and upon aproval by the inspector a permit or other authorization will be issued specifying the conditions of entry and the port of entry, and a copy will be supplied to the importer.

§ 319.37–13 *Certification.*—(*a*) All restricted plant material from countries with official systems of inspection, except that entering pursuant to regulation 2, shall be accompanied by an original certificate attached to the invoice, and each container shall bear a copy of the certificate, issued by a duly authorized official of the country of export stating (1) the country where the restricted plant material covered by the certificate was grown, (2) that it has been thoroughly inspected by him, or under his direction, during the growing season or at the

[3] Applications for permits should be made to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River St., Hoboken, N. J.

time of packing, or both, and was found, or believed to be, free from plant pests, (3) that it is free from all sand, soil, or earth, except for restricted plant material under regulation 5, and (4) that only approved packing materials have been used.

(*b*) All restricted plant material entering the United States from Canada pursuant to regulation 5 when considered as of Canadian origin or production as specified in paragraph (*c*) of regulation 5 shall be certified as of such origin by a duly authorized official of the Dominion pursuant to paragraph (*a*) of this regulation.

§ 319.37–14 *Marking of containers.*—Each case, box, or other container of restricted plant material shall be clearly and plainly marked and individually numbered and shall show the general nature and quantity of the contents, the country and locality where grown, the name and address of both the shipper and the consignee, and when containing restricted plant material importable only under permit, pursuant to regulations 3 to 6, inclusive, the number of the permit authorizing the importation. Containers of restricted plant material importable only under permit shall be addressed to the consignee in care of the Bureau of Entomology and Plant Quarantine at the port of entry designated in the permit.

§ 319.37–15 *Freedom from soil.*—All restricted plant material must be free from sand, soil, or earth, and any shipment arriving in the United States which is not free from such sand, soil, or earth, except shipments under regulation 5, may be refused entry. This requirement does not apply to approved packing material as provided in regulation 16.

§ 319.37–16 *Approved packing materials.*—All packing materials employed in connection with any shipment of restricted plant materials are subject to approval for such use by the Chief of Bureau, who shall specify in administrative instructions a list of approved packing materials and instructions as to their use.

§ 319.37–17 *Prohibited plant material accompanying restricted plant material.*—If any container of restricted plant material is found to contain plant material prohibited importation by this quarantine or any other quarantine or order, the entire container may be refused entry by the inspector.

§ 319.37–18 *Size-age limitations.*—(*a*) Except as provided in this paragraph, all restricted trees and shrubs to be imported shall be limited to the youngest and smallest, normal, clean, and healthy plants which can be successfully freed from soil about their roots, transported to the United States, and established. The inspector may use as a maximum size criterion in enforcing this limitation the normal size of plants no more than 2 years of age when they have been grown from seeds, cuttings, or layers; and the maximum for grafted or budded plants will be the normal size of stocks no more than 3 years of age with no more than two seasons' growth from the bud or graft. The size-age limitation shall not apply to naturally dwarf or miniature forms not exceeding 12 inches in height from the soil line nor to artificially dwarfed forms of the character popular in parts of the Orient. Whenever the importer makes a showing with his application for permit that is satisfactory to the inspector responsible, that importation of a larger plant, such as, for example, a specimen plant, is necessary the inspector may authorize an exception to the limitation of this paragraph and specify it in the permit if in his opinion such larger plant may be imported under conditions prescribed in the permit without added risk of pest entry. Whenever the Chief of Bureau shall find that any kinds or classes of plants, when limited in size and age as set forth in this paragraph, are too young and small successfully to be freed of soil, transported, and established in the United States, he may set forth in administrative instructions other criteria for the size-age limitation of such kinds or classes of plants.

(*b*) Herbaceous perennials which are usually imported in the form of root crowns or clumps shall be limited to not more than three-eye divisions of the crowns or clumps.

(*c*) Except as provided in this paragraph, only seeds may be imported in the case of forest trees, species of any plants used for understocks, and ornamental plants that are botanical species or botanical varieties and which grow true from seed. The inspector responsible may issue a permit authorizing in advance the importation of plants rather than seeds of such species and varieties specified in this paragraph whenever the importer makes a showing with his application for permit satisfactory to the inspector that the plants desired cannot be produced from seed because either (1) they are variations which are reproduced by vegetative means only or (2) it is impossible or impracticable to import viable seed.

(*d*) Restricted plant material arriving in the United States contrary to any limitation provided in this regulation may be refused entry.

§ 319.37–19 *Postentry quarantine.*—(*a*) All restricted plant material listed in paragraph (*c*) of this regulation will be required as a condition of importation, to be grown under the postentry quarantine conditions set forth in paragraph (*b*) of this regulation, and no such material shall be moved from the port of entry until the agreement required in paragraph (*b*) of this regulation has been filed with the inspector and other pertinent arrangements for growing in postentry quarantine have been completed to the satisfaction of the inspector. Should inspection at port of arrival of restricted plant material not listed in paragraph (*c*) of this regulation, other than that imported pursuant to regulation 2, reveal symptoms indicating that unrestricted release of such plant material may present pest entry risk not removed by treatment, the inspector may require such plant material to be grown in postentry quarantine when the importer has made the necessary arrangements, otherwise such plant material shall be refused entry.

(*b*) In the case of restricted plant material listed in paragraph (*c*) of this regulation or otherwise required by the inspector to be grown under postentry quarantine, the importer shall file with his application for permit an agreement to:

(1) Grow such material on premises indicated in the permit and owned or controlled by him until released by the Bureau;

(2) Permit inspectors to have access to the said premises at all reasonable daylight hours;

(3) Keep the restricted plant material and any increase therefrom identified with suitable labels showing the name of the plants and the number of the permit which authorized their importation;

(4) Make no distribution from the specified premises of the restricted plant material or increase therefrom, or blooms cut therefrom, until authorized in writing by the inspector or until released from the agreement by the Bureau; and

(5) Apply any remedial measure prescribed by the inspector to the imported plant material, increase therefrom, or other plants growing on the premises, including destruction of any or all of same, if necessary in the judgment of the inspector, to prevent the dissemination of the plant pest.

(*c*) The following restricted plant material shall as a condition of importation be grown in postentry quarantine under conditions set forth in this section.

Plants to be grown under postentry quarantine	Where imported from—
Acer spp	All foreign countries except Bulgaria, Canada, England, France, Germany, and Japan.
Aesculus spp	All foreign countries except Canada, Czechoslovakia, England and Germany.
Aleurites spp	All foreign countries except China and Brazil.
Althaea spp	All foreign countries except Africa, Canada, and India.
Anthurium spp	All foreign countries.
Berberis spp. (plants of all varieties known to be immune or resistant to stem rust).	All foreign countries. May not be grown under postentry quarantine in states protected by Domestic Plant Quarantine No. 38.[1]
Boltonia spp	Canada.
Bromeliads	All foreign countries when destined to Hawaii.
Camellia spp	Ceylon.
Crataegus monogyna Jacq	Europe.
Cedrus spp	All foreign countries except Canada and those in Europe.
Corylus spp	The Canadian Province of Manitoba and Provinces west thereof, when destined to the States of California, Oregon, and Washington.
Cytisus spp	All foreign countries except Bulgaria, Canada, England, and Germany.
Daphne spp	All foreign countries except Canada and New Zealand.
Datura spp	All foreign countries except England and India.
Dianthus spp	All foreign countries except England.
Eucalyptus spp	All foreign countries except Argentina, Ceylon, Uruguay, and those in Europe.
Euonymus spp	All foreign countries except Germany.
Fraxinus spp	All foreign countries except Canada and those in Europe.
Fruit and nut buds, clones, cuttings and scions, or stocks imported for the vegetative propagation of the stocks themselves (other than as separately designated).	All foreign countries except Canada.
Hibiscus spp	All foreign countries except Sudan and Nigeria, Africa, India, and Trinidad.
Humulus spp	All foreign countries.
Hydrangea spp	All foreign countries except Germany.

Plants to be grown under postentry quarantine	Where imported from—
Ilex spp.	All foreign countries except Canada, England, and France.
Jasminum spp.	All foreign countries except Belgium, Canada, England, and Germany.
Juniperus spp.	All foreign countries except Canada, Finland, and Rumania.
Laburnum spp.	All foreign countries except Bulgaria, Canada, England, and Germany.
Lantana spp.	All foreign countries except Canada and India.
Larix spp.	All foreign countries except Canada and those in Europe.
Ligustrum spp.	All foreign countries except Canada and Germany.
Mohoberberis spp. (plants of all varieties known to be immune or resistant to stem rust).	All foreign countries. May not be grown under postentry quarantine in states protected by Domestic Plant Quarantine No. 38.[1]
Mahonia spp. (plants of all varieties known to be resistant to rust).	All foreign countries. May not be grown under postentry quarantine in states protected by Domestic Plant Quarantine No. 38.[1]
Malus spp. (except clonal understocks)	All foreign countries except Austria, Canada, China, Japan, Korea, Manchuria, and those in Europe and South Africa.
Malus spp.	All foreign countries except Canada and those in South Africa.
Mespilus germanica L.	Europe.
Morus spp.	All foreign countries except Canada, China, and Japan.
Nicotiana spp.	All foreign countries except Australia, British Isles, and Canada.
Nuts and fruit stocks	(*See* Fruit and nut stocks.)
Passiflora spp.	All foreign countries.
Pelargonium spp.	All foreign countries except Australia, Canada, and Great Britain.
Picea spp.	All foreign countries except Canada, Japan, Siberia, and those in Europe.
Pinus spp. (2- or 3-leaved)	All foreign countries except Canada, Japan, and those in Europe.
Pinus spp. (5-leaved)	All foreign countries when destined to states not protected by Domestic Plant Quarantine No. 63.[2]
Populus spp.	All foreign countries except Canada and those in Europe.
Primula spp.	All foreign countries except Australia, Canada, and British Isles.
Prunus spp.	Canada, when destined to California.
Pseudotsuga spp.	All foreign countries except Canada and those in Europe.
Pyrus spp.	All foreign countries except Canada, Japan, Korea, Manchuria, and those in Europe and South Africa.
Quercus spp.	All foreign countries except Canada and Japan.
Rhododendron brachycarpum D. Don *R. calostrotum* I. B. Balf. *R. cantabile* I. B. Balf. *R. dauricum* L. *R. fastigiatum* Franch. *R. ferrugineum* L. *R. hirsutum* L. *R. intermedium* Wender. *R. kotschyi* Simonk. *R. prunifolium* Forbes.	Europe, Japan, and Siberia.
Ribes nigrum	All foreign countries except British Isles, Canada, and New Zealand, or when destined to states protected by Domestic Plant Quarantine No. 63.[2]
Rosa spp.	All foreign countries except Australia, Canada, Italy, and New Zealand.
Rubus spp.	All foreign countries.
Salix spp.	All European countries except England and The Netherlands.
Sorbus spp.	All foreign countries except Canada (non-Maritime provinces), China, Japan, Philippine Islands, and those in Southeastern Asia and Oceania (including Australia and New Zealand).
Ulmus spp.	All foreign countries except Canada and those from which entry of this species is prohibited by Foreign Plant Quarantine No. 70.[3]
Vitis spp.	All foreign countries other than Canada and those in Europe.
Wisteria spp.	All foreign countries except Canada and Australia.

[1] 7 CFR 301.38 et seq., as amended.
[2] CFR 301.63 et seq., as amended.
[3] 7 CFR 1947 sup. 319.70 et seq. with any amendments that may hereafter be issued.

§ 319.37–20 *Plant material refused entry.*—Any plant material refused entry for noncompliance with the requirements and conditions of this quarantine or these regulations shall be promptly removed from the United States or abandoned by the importer for destruction, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector may prescribe. If such restricted plant material is not promptly safeguarded by the importer, removed from the United States, or abandoned for destruction to the satisfaction of the inspector it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U. S. C. 164a). Neither the Department of Agriculture nor the inspector will

be responsible for any costs accruing for demurrage, shipping charges, cartage, labor, chemicals, etc., incidental to the safeguarding or disposal of plant material refused entry by the inspector, nor will the Department of Agriculture or the inspector be responsible for the value of the plant material so disposed of. It shall be understood that any person applying for a permit under regulation 12 agrees to the conditions and requirements of this regulation.

§ 319.37–21 *Ports of entry.*—Ports of entry for the various kinds and classes of restricted plant material shall be those specified under regulations 3 to 6, inclusive. In specifying ports of entry [4] for importations the inspector issuing permits shall be governed by the general principle that uninspected and untreated shipments shall not move long distances overland for inspection and treatment but shall be inspected and treated at the authorized point at or nearest the port of arrival.

§ 319.37–22 *Importations for exportation and importations for transportation and exportation.*—Importations of restricted plant material for exportation or for transportation and exportation subject to this quarantine and these regulations shall be subject to the Plant Safeguard Regulations in 7 CFR 352.1 through 352.7, as amended from time to time.

§ 319.37–23 *Importations by the Department of Agriculture.*—Restricted plant material may be imported by the Department of Agriculture for experimental or scientific purposes under such conditions as may be prescribed by the Chief of Bureau and through the Division of Plant Exploration and Introduction of the Bureau of Plant Industry, Soils, and Agricultural Engineering.

§ 319.37–24 *Cooperatiton with States.*—Whenever, in the opinion of the Chief of the Bureau, a State or Territory of the United States shall have taken action to suppress types of pests that may be imported with certain nursery stock and other plants and seeds, and shall have promulgated, when such action contributes to the suppressive program, a plant quarantine prohibiting the entry in interstate movement of specific kinds of nursery stock, other plants, or seeds that might introduce such pests, and further shall have requested through the responsible State official that the United States Department of Agriculture cooperate by restricting the importation from specific foreign countries of such nursery stock, other plants, or seeds into the State or Territory in question, importations thereof to said State or Territory may be denied by the Chief of the Bureau either through refusing approval of a permit or such other means as he may provide in administrative instructions.

§ 319.37–25 *Insects imported for scientific and educational purposes.*—No insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees or shade trees, or the eggs, larvae, pupae of any such insect, may be removed from any foreign country into the United States, except that injurious insects, in any stage of development, may be imported into the United States under permit for scientific, including educational, purposes only under such safeguards and restrictions as the Chief of the Bureau may prescribe after review of each individual application for permit to import either individual consignments or a group of related shipments. Each application for a permit to import such insects shall give information on the specific insects to be imported, the purpose of and need for the importation, the place where and conditions under which the insects will be studied, the area from which they will be imported, and the port through which the shipment will be made. Each container of insects so imported shall bear an identifying tag from the Chief of the Bureau.

This revision of the quarantine and regulations shall be effective as to the prohibitions in § 319.37 on and after September 1, 1948, and as to regulations 1 to 25, inclusive, on and after January 1, 1949, on which date the revision shall supersede both the quarantine issued November 18, 1918, and the supplemental regulations issued December 17, 1930, and amendments thereto (7 CFR and Cum., 1943, and 1945 Supp., 319.37 through 319.37–15).

(Secs. 1, 5, 7, 37 Stat. 315, 316, 317, as amended, 7 U. S. C. and Supp. 154, 159, 160; Secs. 1, 3, 33 Stat. 1269, 1270, 7 U. S. C. 141, 143.)

Done at Washington, D. C., this 21st day of July 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[4] See appendix A for a list of ports at which inspectors are located. Ports with special inspection and treating facilities are indicated by an asterisk (*).

Appendix A

List of ports at which inspectors are located

Ports with special inspection and treating facilities are indicated by an asterisk (*).

Alaska: Anchorage, 136 Federal Building. Fairbanks, 403 Federal Building.
Alabama: Mobile, 209 U. S. Courthouse and Customhouse.
Arizona: Douglas, 207 U. S. Inspection Station.
Naco, 107 U. S. Border Station.
Nogales, 128 Federal Inspection Station Building.
California: Calexico, 203 U. S. Border Station.
Los Angeles, 204 State Building, 217 West First Street (San Pedro, 104 Ferry Building).
San Diego, 308 Broadway Pier Building.
*San Francisco, 2 Agriculture Building, Embarcadero at Mission Street.
San Ysidro, 229 Federal Building.
District of Columbia: *Plant Inspection House, 224 Twelfth Street SW., Washington.
Florida: Jacksonville, 445 New Post Office Building, 311 West Monroe Street.
Key West, 226 Federal Building, 307 Simonton Street.
*Miami, East End Pier No. 2, City Docks (Plant Inspection House, Building T–202, Avenue A, International Airport).
Pensacola, 312–B Federal Building, corner Chase and Palafox Streets.
Port Everglades, 102 Customhouse.
Tampa, 113 U. S. Customs Appraiser's Stores Building, Platt and Water Streets.
West Palm Beach, 216 Federal Building, Olive and Fern Streets.
Georgia: Savannah, 107 Customhouse, 1 East Bay Street.
Hawaii: Hilo, 236 Federal Building.
*Honolulu, 248 Federal Building.
Illinois: Chicago, 800 Customhouse, 610 South Canal Street.
Louisiana: New Orleans, 319 Customhouse, 423 Canal Street.
Maryland: Baltimore, 200 Customhouse.
Massachusetts: Boston, 408 Atlantic Avenue, 405 U. S. Appraiser's Stores Building.
Michigan: Detroit, 405 Customhouse, 100 Larned Street.
Minnesota: St. Paul, 203 Main Post Office and Customhouse.
Missouri: St. Louis, U. S. Customs Mail Bureau, Window 27, Main Post Office Building.
New York: Buffalo, 530 Federal Building.
*New York, 844 Federal Building, Christopher Street (Plant Inspection House, 209 River Street, Hoboken, N. J.).
Ohio: Cleveland, 3067 Main Post Office Building.
Oregon: Portland, 439 U. S. Courthouse, 620 Southwest Main Street.
Pennsylvania: Philadelphia, 601–A Customhouse.
Puerto Rico: *San Juan, Building N, Puerto Rican Reconstruction Administration, Avenida Ponce de Leon.
South Carolina: Charleston, 17 Customhouse.
Texas: Brownsville, U. S. Fumigation Plant.
Dallas, 544 U. S. Terminal Station, 207 South Houston Street.
Del Rio, International Bridge Landing.
Eagle Pass, 209–210 U. S. Post Office and Customhouse.
El Paso, 127 U. S. Courthouse.
Galveston, 407 Post Office Building.
Hidalgo, U. S. Customs Building, International Bridge.
Houston, 206 U. S. Appraiser's Stores Building, 7300 Wingate Street.
*Laredo, 207–211 Federal Building.
Port Arthur, 205 Post Office and Customhouse.
Presidio, U. S. Customhouse, International Bridge.
Roma, Starr County Bridge Co. Building.
San Antonio, 533 Federal Building, Houston and Alamo Streets.
Virginia: Arlington, MATS Terminal Building, National Airport.
Norfolk, 411 U. S. Post Office and Courthouse Building.
Washington: Blaine, 211 Customs Station, Pacific Highway.
*Seattle, 904 Federal Office Building.

APPENDIX B

The entry of the following plant material for propagation is prohibited or restricted by specific quarantines and other restrictive orders now in force:

(*a*) Irish potatoes from all countries except the Dominion of Canada and Bermuda.

(*b*) Cottonseed (including seed cotton) of all species and varieties from any foreign country and locality, excepting the Imperial Valley of Mexico.

(*c*) Seeds of the avocado or alligator pear from Mexico and the countries of Central America.

(*d*) Canes of sugarcane or cuttings or parts thereof from all foreign countries.

(*e*) Seed and all other portions in the raw or unmanufactured state of Indian corn or maize (*Zea mays* L.), and the closely related plants, including all species of Teosinte (*Euchlaena*), Job's tears (*Coix*), *Polytoca*, *Chionachne*, and *Sclerachne*, from southeastern Asia (including India, Siam, Indo-China, and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Formosa, Manchuria, Japan, and adjacent islands.

(*f*) All varieties of sweetpotatoes and yams (*Ipomoea batatas* and *Dioscorea* spp.) from all foreign countries and localities.

(*g*) All species or varieties of banana plants (*Musa* spp.) or portions thereof from all foreign countries and localities.

(*h*) All varieties of bamboo seed, plants, or cuttings thereof capable of propagation, including all genera and species of the tribe Bambuseae, from all foreign countries.

(*i*) Seed or paddy rice from all foreign countries and localities.

(*j*) Wheat from Australia, India, Japan, Italy, China, Union of South Africa, and Spain.

(*k*) Seed and all other portions in the raw or unmanufactured state of Indian corn or maize, broomcorn, sweet sorghums, grain sorghums, Sudan grass, Johnson grass, sugarcane, pearl millet, napier grass, teosinte, and Job's tears from all foreign countries and localities.

(*l*) Citrus plants or any plant part except seeds, or all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae and Toddalioideae of the botanical family Rutaceae from all foreign countries and localities.

(*m*) All seeds, leaves, plants, cuttings, and scions of elms and related plants from the Continent of Europe, the Dominion of Canada, and other foreign areas north of the United States, except that clean seeds from the foreign areas north of the United States are exempted.

(*n*) Coffee plants and leaves from all foreign countries and localities when destined to Puerto Rico.

[Copies of the above order were sent to all American diplomatic and consular officers through the Department of State.]

[Filed with the Division of the Federal Register, July 26, 1948, 8:48 a. m.; 13 F. R. 4267.]

INSTRUCTIONS TO COLLECTORS OF CUSTOMS

REVISION OF NURSERY STOCK, PLANTS, AND SEEDS QUARANTINE NO. 37 WITH SUPPLEMENTAL REGULATIONS EFFECTIVE JANUARY 1, 1949 (PROHIBITORY REQUIREMENTS OF QUARANTINE EFFECTIVE SEPTEMBER 1, 1948) (T. D. 52030)

TREASURY DEPARTMENT,
OFFICE OF THE COMISSIONER OF CUSTOMS,
Washington, D. C., August 31, 1948.

To Collectors of Customs and Others Concerned:

There are published below for the information and guidance of collectors of customs and others concerned the revised edition of Quarantine No. 37, with supplemental regulations, issued by the Secretary of Agriculture, applicable to nursery stock, plants, and seeds.

This revision of the quarantine and regulations shall be effective as to the prohibitions in section 319.37 on and after September 1, 1948, and as to regulations 1 to 25, inclusive, on and after January 1, 1949, on which date the revision shall supersede both the quarantine issued November 18, 1948 (T. D. 37867), and the supplemental regulations issued December 17, 1930 (T. D. 44600), and amendments thereto.

The number of this Treasury decision shall be inserted as a marginal reference opposite sections 12.10, 12.11 (*a*) (1), 12.12 (*c*), and 12.14 (*a*) Customs Regulations of 1943.

(614)

W. R. JOHNSON,
Acting Commissioner of Customs.

(Then follows the text of the order.)

MISCELLANEOUS ITEMS

RALPH A. SHEALS NAMED TO NEW USDA INSECT AND PLANT PEST CONTROL POSITION

(Press notice)

JULY 28, 1948.

The United States Department of Agriculture today announced the appointment of Ralph A. Sheals as assistant to Dr. W. L. Popham, Assistant Chief, Bureau of Entomology and Plant Quarantine, in Charge of Control Operations. As Control Specialist, Mr. Sheals will aid in the direction and development of control and eradication functions, activities, and operations against insect and plant pests.

Mr. Sheals has been assigned to the Bureau's golden nematode control program since early 1948. Dr. P. N. Annand, Chief of the Bureau, said Mr. Sheals will continue in active charge of the Bureau's control and quarantine efforts directed against the golden nematode which now infects several thousand acres of potato-growing area in the vicinity of Hicksville, Long Island, N. Y. This foreign pest now seriously threatens the potato producing industry of this nation.

Mr. Sheals has been associated with the Department of Agriculture since 1917. He was born at Brushton, N. Y., March 26, 1893, and is a graduate of the New York State College of Forestry, specializing in the control of insects of economic importance to trees and forests. His early work with the Department concerned the control of white pine blister rust, a disease accidently imported into this country from Europe, which threatened the entire white pine industry of this country. In 1929, he was appointed Assistant Chief of the Division of Domestic Plant Quarantines, where he was responsible for a wide range of activities. He shared in early organization of the work concerning plant and plant product inspection in transit, to assure compliance with quarantines. He aided in the direction of extensive cooperative control programs against such insect pests as grasshoppers, Mormon crickets, chinch bugs, white-fringed beetles, mole crickets, and plant diseases such as citrus canker, phony peach, and peach mosaic. In 1942, he was appointed in charge of the Bureau's Division of Gypsy Moth Control.

B. E. P. Q. 455, Revised, Supplement No. 1

JULY 22, 1948.

PLANT-QUARANTINE IMPORT RESTRICTIONS, BRITISH COLONY OF BERMUDA

JAPANESE BEETLE RESTRICTIONS

According to Dispatch No. 55 from the American Consulate General in Hamilton, Bermuda, dated June 3, 1948, the Director of Agriculture has issued a circular letter to local agents of all carriers which presents three precautions which have been authorized by the Board of Agriculture.

The first two precautions are practically identical with information set forth in B. E. P. Q. 455, revised. These relate to permits and the certification of all plants, fresh, unfrozen vegetables and commercial shipments of cut flowers.

Precaution 3 states: "The importation from the United States of America of all earth or soil or plants in soil is prohibited, to prevent the introduction of the Japanese beetle."

This precaution supersedes paragraph 2 of article 13 on pages 2 and 3 of B. E. P. Q. 455, revised, which permitted the entry of earth or soil and plants in soil under certain conditions.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

B. E. P. Q. 514, Supplement No. 2

SEPTEMBER 17, 1948.

PLANT-QUARANTINE IMPORT RESTRICTIONS, DOMINION OF CANADA

RESHIPMENT OF FOREIGN NURSERY STOCK FROM THE UNITED STATES TO CANADA

In an exchange of views with the Division of Plant Protection of the Canadian Department of Agriculture, regarding the reshipment of foreign nursery stock from the United States to Canada, that Division has emphasized the requirement of certification summarized in Circular B. E. P. Q. 514, beginning at the bottom of page 3.

The Canadian regulation stipulates that all plant material for propagation purposes imported from any country shall be accompanied by a certificate of inspection issued by an authorized inspector in that country. The Division of Plant Protection informs us that importations into the United States, cleared from customs and released into the domestic commerce of the United States and then reshipped to Canada, are regarded as United States exports and should be covered by certificates of inspection according to B. E. P. Q. 514, pages 3 and 4.

We are also informed that under the same regulation shipments which have physically arrived in the United States but which were refused entry on account of pests cannot be entered into Canada upon reshipment there from the United States because a certificate of inspection as to freedom from pests obviously could not be issued by an authorized official in this country.

P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

B. E. P. Q. 403, Revised, Supplement No. 1

AUGUST 17, 1948.

PLANT-QUARANTINE IMPORT RESTRICTIONS, REPUBLIC OF FRANCE

Ministerial Order of June 18, 1948.
Ministers of Agriculture and of Finance and Economic Affairs.

SANITARY CONTROL OF IMPORTED PLANTS AND PLANT PRODUCTS

(The above noted Order revokes the Ministerial Order of December 31, 1946, presented on pp. 5 and 6 of B. E. P. Q. 403, revised.)

Article 1.—The vegetable products listed below coming from any source (foreign, French Overseas Territories, Algeria, Overseas Departments), cannot be imported into Metropolitan France under any customs status (except in international transit from foreign country to foreign country), before having been submitted, at the time of their passage through customs at the geographic border or at one of the internal customs offices mentioned in article 3 below, to inspection by the Plant Protection Service, even if accompanied, according to their origin and the nature of the goods, either by phytopathological or sanitary certificates issued by competent authorities of the country of origin, or by a certificate of origin.

Living plants and floricultural products, except flowers and dried or dyed foliage.

Vegetables, plants, edible roots and tubers, except dried, dehydrated, or evaporated vegetables, and roots and tubers of high starch content.

Edible fruits.

Green coffee in all forms.

Pimento, peppers (of Capsicum type, except bell pepper (*Capsicum grossum*) and pimenta), paprika and others.

Seeds and fruits for planting, except grass seeds and particularly rye-grass seeds.

Osier, crude or split.

Cocoa beans, whole or broken (unroasted); husks, skins, shoots, and peels of cocoa.

Also containers used or that have been used for the transport of these products, earth, leaf-moulds, composts, and manures intended for cultivation.

When the inspection of the products discloses the presence of any of the insects and diseases harmful to plants appearing in the lists A and A′ of the order of August 1, 1946, the agent of the Plant Protection Service will take all measures that he may deem necessary.

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Article 2.—The Plant Protection Service has authority to make a complete or partial examination of all other vegetable products, either crude or processed, and the containers used with them, to determine the presence of insects and plant diseases.

Article 3.—The products listed in article 1 of the present order cannot be imported, except through the following customs offices:

Ajaccio.
Bordeaux.
Brest.
Cerbere.
Cherbourg.
Dieppe.
Dunkerque.
Hendaye (station and road).
Jeumont.
Kehl-Strasbourg.
La Rochelle-Pallice.
Le Havre.
Le Perthus.
Lyon.
Marseille.
Modane.
Nantes.
Nice.
Paris.
Perpignan-Llabanere.
Port-Vendres.
Risquons-Tout (road).
Rouen.
Saint-Louis (station and road).
Saint-Malo.
Saint-Nazaire.
Sete.
Thionville.
Toulouse.
Tourcoing (station).
Vintimille.

Article 4.—Lists decrees and orders remaining in force.

Articles 5–7.—Collection of inspection taxes.

Article 8.—Revokes orders of April 29, 1935, December 31, 1946, March 1, 1947, May 27, 1947, February 7, 1948, and April 15, 1948, regarding the control of imported vegetable products.

Article 9.—Designates responsible officials.

Ministerial Order of March 18, 1948.
Minister of Agriculture and Secretary of State for the Budget.

IMPORTATION OF RESINOUS WOOD PROHIBITED

Article 1.—The importation into France of resinous wood from all countries is prohibited with bark or in pieces when they are covered wholly or in part by their bark, as well as the bark waste of the said wood.

Article 2.—Designates responsible officials.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

B. E. P. Q. 405, Supplement No. 5

JULY 29, 1948.

PLANT QUARANTINE IMPORT RESTRICTIONS, GERMANY

RESTRICTIONS ON THE ENTRY OF PLANT MATERIALS IN THE MAILS

Since the distribution of the circular B. E. P. Q. 405 and its supplements in 1936–38, very little information has been received regarding plant quarantine regulations in Germany. Recently, the Allied Committee of Posts and Telecommunications at Berlin notified the International Bureau of Universal Postal Union of certain restrictions on the entry into Germany of plant material in the mails. Presumably the same restrictions apply to plant material entering Germany by other means. The paragraph pertaining to the mails from Circular 60 of the International Bureau of the Universal Postal Union is quoted below. As the export certificate Form EQ–375 is printed in four languages, it seems to fulfill the requirement of an international pathological certificate.

UNIVERSAL POSTAL UNION

INTERNATIONAL BUREAU,
BERNE, *March 19, 1948.*

Circular 60

The ALLIED COMMITTEE OF POSTS AND TELECOMMUNICATIONS at Berlin asks that the Administrations of the Union be informed of the following:

List prepared by the Allied Control Authority of the articles and merchandise which it is forbidden to include in the classes of mail accepted for Germany

18. The following articles can be delivered to the addressees only on presentation of an international pathological certificate stating that the shipment contains no plants contaminated by diseases, pests, or weeds:

Seeds of cultivated or wild plants,
Roots, tubers, bulbs, fruits and hybrids;
Plants and parts of plants; slips, grafts, vines, cuttings, germs, etc.
Collections relating to plant diseases caused by parasites, fungus, and bacteria.
Earth, pieces and samples of earth, including earth in containers with living plants, etc.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

B. E. P. Q. 416, Second Revision

JULY 16, 1948.

PLANT-QUARANTINE IMPORT RESTRICTIONS, UNITED KINGDOM OF GREAT BRITAIN

This revised summary of the plant-quarantine import restrictions of the United Kingdom of Great Britain, as they apply in particular to plants and plant products from the United States, has been prepared for the information of nurserymen, shippers of fresh fruit and vegetables, plant quarantine officials, and others interested in the exportation of plants and plant products to Great Britain and Northern Ireland.

It was prepared by Richard Faxon, Division of Foreign Plant Quarantines, from Statutory Rules and Orders, the Importation of Plants Orders of 1947, and the General Licenses issued thereunder, Ordinances of the Royal Court of the Island of Guernsey, and the Importation of Plants, Plant Seeds and Potatoes (Jersey) Order, 1947, which were furnished by the American Embassy in London, and the Consulates General of Edinburgh and Belfast. The summary was reviewed by Mr. C. T. Gimingham, Director, Plant Pathology Laboratory of the Ministry of Agriculture and Fisheries.

The information contained in this circular is believed to be correct and complete up to the time of preparation, but it is not intended to be used independently of, nor as a substitute for, the original texts of the appropriate orders, and it is not to be interpreted as legally authoritative. The original orders should be consulted for the exact texts.

P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

PLANT QUARANTINE IMPORT RESTRICTIONS, UNITED KINGDOM OF GREAT BRITAIN

BASIC LEGISLATION

England and Wales—Destructive Insects and Pests Acts 1877–1927.
Scotland—Destructive Insects and Pests Acts 1877–1927.
Northern Ireland—Destructive Insects and Pests Acts (Northern Ireland) 1877–1934.
Channel Islands—Destructive Insects and Pests Acts 1947.

SUMMARY

The following Orders of England and Wales, Scotland and Northern Ireland, extend to the whole of Europe, the United States of America and the Dominion of Canada the restrictions imposed by previous orders now revoked on the landing in the respective countries of living plants, potatoes, raw vegetables and cider apples from countries in which the Colorado potato beetle exists. They also require, as did the previous Orders, certificates of health to accompany living plants and potatoes landed in Great Britain from any place abroad.

Importation Prohibited

Potatoes grown in the United States, Canada, and European France.

Elm—all species of Ulmus from all foreign countries.

Conifers—the following genera of the order Pinaceae: Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja, and Tsuga, from all foreign countries.

Sugar beet and mangolds (*Beta vulgaris* L.) from all foreign countries.

Chrysanthemum plants [5] from all foreign countries.

Note.—The items mentioned above may be imported into the United Kingdom under and in accordance with the conditions of a license issued by the designated authority.

Importation Restricted

Apples grown in the United States: Shipments landed between July 7 and November 15 must be accompanied by a certificate of grade issued by Food Products Inspectors of Production and Marketing Administration.

Living plants and parts thereof (except seeds) for planting, except those prohibited entry: Two copies of a phytosanitary certificate issued by the United States Department of Agriculture amended by the addition of required statements as to prohibited plants and compliance with licenses which permit the entry of various plants and plant products during certain periods of the year.

Importation Unrestricted

Seeds are excepted in the First Schedule from the certification requirements for other plants and parts thereof for planting.

STATUTORY RULES AND ORDERS

ENGLAND AND WALES

The Importation of Plants Order of 1947. Dated April 15, 1947.

The Minister of Agriculture and Fisheries, by authority under the Destructive Insects and Pests Acts, orders as follows:

Definitions

1. "Inspector" means an Inspector or other authorized officer of the Ministry of Agriculture and Fisheries.

"Minister" means the Minister of Agriculture and Fisheries.

"Plant" includes tree and shrub, and the fruit, seeds, tubers, bulbs, corms, rhizomes, roots, layers, cuttings, and other parts of a plant.

"Raw Vegetables" includes raw tomatoes, raw eggplants, and raw salads, but does not include potatoes, mushrooms, cucumbers, marrows, or pumpkins.

"Unhealthy" means affected with any insect, fungus, bacteria, or other vegetable or animal organisms or any agent causative of a transmissible crop disease.

Application of Order

2. Does not apply to plants, potatoes, raw vegetables, or raw apples grown in Scotland, Northern Ireland, Eire, the Isle of Man, or the Channel Islands.

Potato Prohibition and Restriction

3. (1) The landing in England or Wales of potatoes grown in the United States, Canada, or European France is prohibited.

(2) The transshipment in England or Wales of potatoes specified in paragraph (1) of this article is prohibited except under and in accordance with the conditions of a license issued by the Minister or an Inspector.

(3) In this article "potatoes" includes potato haulms, leaves, and stalks.

Sugar Beet and Mangold Prohibition

4. To prevent the introduction of virus diseases the landing in England or Wales of any plant of sugar beet or mangold (*Beta vulgaris* L.,) except the seeds, is prohibited except under and in accordance with the conditions of a license issued by the Minister or an Inspector.

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[5] The special requirements for chrysanthemum plants are applicable to shipments to Scotland and Northern Ireland only. All other items in the summary apply to all three countries in the United Kingdom.

RESTRICTIONS ON IMPORTATION OF CERTAIN PLANTS AND POTATOES

Certification

5. (1) The landing in England or Wales of any of the plants mentioned in the first schedule to this order (all living plants and parts thereof, except seeds, for planting) and of potatoes, is hereby prohibited, unless each consignment is accompanied by two copies of a certificate of a duly authorized official of the Phytopathological Service of the country in which the plants or potatoes were grown in the form prescribed in the second schedule to this order. The inspection referred to in the certificate shall be carried out not more than fourteen days prior to the date of shipment. The original of the certificate shall be mailed to the Horticulture Branch of the Ministry of Agriculture and Fisheries, London, S. W. 1., before the plants or potatoes are dispatched. Except in the case of consignments by mail, a copy of the prescribed certificate shall be delivered to the proper Officer of Customs and Excise at the same time as and together with the entry relating to the consignment. In the case of consignments by mail, a copy of the prescribed certificate shall be affixed to each package.

Form of Certificate

(2) In the case of any plants mentioned in the first schedule to this order and of potatoes grown in any European country, the United States, or Canada, the certificate required in paragraph (1) of this Article shall include a certificate of a duly authorized Official of the Phytopathological Service of the country in which the plants or potatoes were grown which shall be, where the certificate relates to a plant, in the Form A or the Form B set out in the third schedule to this order, as the circumstances require, and where the certificate relates to potatoes in the said Form A.[6]

(3) Paragraph (2) of this article shall not apply to flower bulbs, corms, tubers, or rhizomes. (These may be certified on Form EQ–375 with the addition of the required statement in paragraph 4 of this article.)

Statement on Certificate

(4) The certificate prescribed in this article shall, except in the case of a consignment consisting wholly of potatoes, include a statement to the effect that the consignment does not contain any plant of sugar beet or mangold, or any plant of the genus Ulmus, or of any of the genera of the order Pinaceae, viz, Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja, and Tsuga, except the seeds thereof. (Chrysanthemum plants are omitted in this order which deals with England and Wales only.)

Certification Restricted to U. S. Department of Agriculture

(5) In the case of any plant mentioned in the first schedule to this order and grown in the United States, the certificate prescribed in this article shall be the certificate of any official duly authorized by the United States Department of Agriculture.

(6) The reference in article 3 of the Importation of Elm Trees and Conifers (Prohibition) Order of 1933 (see p. 10) to the certificates prescribed in article 4 of the Importation of Plants Order of 1933 shall be read and have effect as a reference to the certificate prescribed in paragraph (1) of this article.

(7) Nothing in this article shall be deemed to permit (i) the landing or transhipment in England or Wales of any potatoes which are prohibited or restricted under Article 3 hereof: (ii) the landing in England or Wales of any plant of sugar beet or mangold (*Beta vulgaris* L.) prohibited or restricted under article 4 hereof.

Restrictions on Importation of Raw Vegetables, Etc.

6. (1) The landing in England or Wales between April 1 and October 15 in any year of any raw vegetables and of any cider apples grown in any European country, the United States, or Canada, is hereby prohibited unless each consignment is accompanied by a certificate of a duly authorized official of the Phytopathological Service of the country in which the raw vegetables or the cider

[6] The certificate requirements of the Form A in the third schedule to the order can not be complied with except possibly in some districts in California where the Colorado potato beetle is not known to occur.

apples were grown in the Form A or the Form B set out in the third schedule to this order. (See also art. 6 (3).)

(2) Refers to raw vegetables and cider apples grown in countries other than those listed in paragraph (1) of this article.

APPLES FROM THE UNITED STATES

(3) The landing in England and Wales between July 7 and November 15 in any year of any raw apples grown in the United States is hereby prohibited unless each consignment is accompanied by a certificate of a duly authorized Inspector of the United States Department of Agriculture in the form set out in the fourth schedule to this order.

(4) The certificates prescribed in this article shall be delivered to the proper officer of Customs and Excise at the same time as and together with the entry relating to the consignment.

(5) Nothing in this article shall be deemed to permit the landing or transshipment in England or Wales of any potatoes prohibited or restricted under article 3 hereof.

DISPOSITION OF PLANTS, POTATOES, APPLES, OR VEGETABLES LANDED IN CONTRAVENTION OF ORDER

7. (1) If plants, potatoes, raw apples, or raw vegetables are landed in England or Wales in contravention of this order, they shall be destroyed or re-exported at the expense of the importer, unless they are otherwise disposed of in accordance with the terms of a license issued by the minister or by an inspector.

(2) and (3) Domestic regulations.

POWERS OF INSPECTOR

8. Domestic regulations.

DISPOSITION OF UNHEALTHY CONSIGNMENTS

9. (1–4) Domestic regulations.

LICENSES

10. Notwithstanding any provisions of this order, any plants, potatoes, raw apples, or raw vegetables may be landed in England or Wales under and in accordance with the conditions of a license issued by the minister or by an inspector.

(General license (I. P. Gen. 1/1947) was issued April 15, 1947, in accordance with this article.) (See pp. 10–12.)

SERVICES OF NOTICES, ETC.

11. Domestic regulations.

LANDING OF PROHIBITED OR RESTRICTED PRODUCTS TO BE REPORTED

12. Domestic regulations.

OFFENCES

13. Penalties.

REVOCATION OF ORDERS

14. Orders revoked:
The Importation of Plants Order of 1939.
Amendments of 1940 and 1945.

15. This Order effective May 1, 1947.

16. Entitled "The Importation of Plants Order of 1947."

FIRST SCHEDULE

All living plants and parts thereof (except seeds) for planting.

SECOND SCHEDULE

This is to certify that {the living plants / a representative sample of the living plants} included in the consignment of which particulars are given below, were/was thoroughly examined on the _____ (date) by _____ (name) _____ a duly authorized Official of the _____ and found to be healthy, no evidence of the presence of any insect, fungus or pest destructive to agricultural or horticultural crops having been found in them.

(Strike out words not applicable)

This additional statement must be given for all consignments except those consisting wholly of potatoes.

It is further certified that the consignment does not contain any plant of the genus Ulmus, or of the genera of the Order Pinaceae, viz, Abies, Larix, Picea, Pinus, Pseudotsuga, Sequois, Thuja, and Tsuga, or any plant of sugar beet or mangold (*Beta vulgaris L.*).

This additional certificate must be given for all potatoes:

It is further certified that no case of the disease known as "wart disease" or "black scab" of potatoes (*Synchytrium endobioticum*) has occurred at any time on the farm or holding where the potatoes included in the consignment were grown, nor within two kilometres thereof.

(N. B.: Article 3 of this order prohibits the landing in England and Wales of potatoes grown in the United States, Canada and European France.)

(Signed)_____
(Official status) _____
(Date)_____

Number and description of packages_____
Distinguishing marks_____
Description of contents_____
_____
Stated to be grown at_____
Exported by_____
Name and address of consignee_____
_____
Name of vessel_____
Date of Shipment_____
Port of landing in England or Wales_____

(The Export Certificate Form EQ–375 is acceptable to British authorities with the added statement of freedom from prohibited plants (elm, sugar beet and mangold, conifers, and, in shipments to Scotland and Northern Ireland, chrysanthemum plants. A statement that the shipments comply with the General License should also be typed on the certificate.)

THIRD SCHEDULE

Form A

This is to certify that during the 12 months preceding the date of this certificate there has been no outbreak of the Colorado Beetle in_____ (here insert name of country) within a distance of 50 kilometres from the place where the living plants, potatoes, raw vegetables or cider apples (strike out words not applicable) included in the package or consignment described below were grown.

(Signed)_____
(Official status) _____
(Date)_____

Identification of consignment same as in second schedule.

Form B

In accordance with the authorization contained in the General License No._____ of the Ministry of Agriculture and Fisheries of England and Wales, this is to certify that the plants or raw vegetables included in the package or consignment described below have been examined and have been found to be of the following species or kind_____ and that the conditions prescribed in the above General License have been complied with.

(Signed)_____
(Official status) _____
(Date)_____

Identification of consignment same as in second schedule.

FOURTH SCHEDULE

This is to certify that the raw apples included in the package or consignment described below are of one of the following grades as recognized by the Department of Agriculture of the United States of America.

"U. S. Fancy" "Extra Fancy"
"U. S. (No. 1)" "Fancy"

(Signed)_____
(Official status) _____
(Date)_____

Description of Consignment

Number and nature of packages_____
Distinguishing marks_____
Variety of apples_____
Name and address of consignee_____
_____
Name of vessel_____
Date of shipment_____
Port of shipment_____

(The above certificate is furnished by inspectors licensed by the Fruit and Vegetable Branch of Production and Marketing Administration.)

SCOTLAND

The Importation of Plants (Scotland) Order, 1947, dated April 28, 1947, made by the Secretary of State under the Destructive Insects and Pests Acts, 1877 to 1927.

The import and wording of this Order are practically identical with the Importation of Plants Order of 1947 for England and Wales summarized above conforming to the effort of England and Wales, Scotland, and Northern Ireland to have as uniform plant quarantine regulations as possible. The following exceptions should be noted.

The Department of Agriculture for Scotland is responsible for the enforcement of the order. Licenses may be issued by the Secretary of State or by an inspector for the transshipment of potatoes from the United States, Canada, and European France, sugar beet or mangold plants, and chrysanthemum plants.

In order to prevent the introduction of the Chrysanthemum Midge (*Diarthromyia hypogaea* F. Low.) the landing in Scotland of any chrysanthemum plant (except the seeds thereof) is hereby prohibited except under and in accordance with the conditions of a license issued by the Secretary of State or by an inspector.

The original of the inspection certificate shall be mailed to the Department at St. Andrew's House, Edinburgh 1, before the plants or potatoes are dispatched. The certificate shall include a statement to the effect that the consignment does not contain any plant of sugar beet or mangold, or *any chrysanthemum plant*, or any plant of the genus Ulmus, or the following genera of the order Pinaceae: Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja, and Tsuga, except the seeds thereof.

NORTHERN IRELAND

The Importation of Plants Order, dated April 25, 1947, made by the Ministry of Agriculture under the Destructive Insects and Pests Acts (Northern Ireland), 1877 to 1934.

This order is identical with the Importation of Plants (Scotland) Order, 1947, except that licenses are issued by the Ministry or by an inspector, and the original of the certificate should be mailed to the Ministry of Agriculture for Northern Ireland, Stormont, Belfast, before the plants or potatoes are dispatched.

IMPORTATION OF ELM AND CERTAIN CONIFERS PROHIBITED

The Importation of Elm Trees and Conifers (Prohibition) Order, October 24, 1933, revised to include Scotland and Northern Ireland.

Article 1. This order shall come into operation December 1, 1933.

Article 2. (1) For the prevention of the introduction of diseases and pests injurious to elm trees and forest trees, the landing in England and Wales, Scotland, or Northern Ireland, from any foreign country of any living plant of any of the genera mentioned below, is hereby prohibited.

(2) In this article "plant" includes tree and shrub, and the roots, layers, cuttings, and other parts of a plant.

Article 3. The certificates prescribed in the respective articles the Importation of Plants Orders shall, except in the case of a consignment consisting wholly of potatoes, include a statement to the effect that the consignment does not contain any plant of any of the genera mentioned below.

All species of the genus Ulmus.

The following genera of the order Pinaceae: Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja, and Tsuga.

GENERAL LICENSES

ISSUED BY ENGLAND AND WALES, SCOTLAND, AND NORTHERN IRELAND

Appropriate articles in the Importation of Plants Orders of 1947 for England and Wales, Scotland, and Northern Ireland, make provision for the landing of any plants, potatoes, raw apples, or raw vegetables under and in accordance with the conditions of a license issued by the Minister of Agriculture and Fisheries (England and Wales), the Secretary of State for Scotland, the Ministry of Agriculture for Northern Ireland or by inspectors of the Ministries or Department respectively.

Pursuant to the authority in these articles, general licenses have been issued in London, Edinburgh, and Belfast by the responsible officers authorizing the landing in England and Wales, Scotland, and Northern Ireland of the following living plants and raw vegetables grown in any European country, the United States and Canada, for the periods mentioned.

1. A. Throughout the year

(i) *Plants*:

Acacia.[7]
Acalypha.
Aglaonema.
Allamanda.
Alocasia.
Authurium.
Aphelandra.
Araceae.[7]
Aralia.[7]
Araucaria.[7]
Ardisia.
Aristolochia.[7]
Asparagus.[7]
Aspidistra.
Azalea indica.
Azalea legantissima.
Bay trees.
Begonia.[7]
Beloperone.
Bertolonia.
Boronia.
Bougainvillea.
Bromeliads.
Cacti and succulent plants.
Calceolaria.[7]
Calladium.[7]
Camellia japonica.
Carnations.[8]
Cineraria.[7]
Cissus.
Citrus.
Clerodendron.
Clivia.
Coccoloba.
Columnea.
Crassula.
Croton.
Cryptanthus.
Curmeria.
Cyclamen.[7]
Dichorisandra.
Dieffenbachia.
Dracaena.
Erica.[7]
Eugenia.
Euphorbia.[7]
Eurya.
Ferns.[9]
Ficus (excepting *Ficus carica*).
Fittonia.
Fourcroya (=Furcraea).
Franciscea (Brunfelsia).
Fuchsia.[7]
Gardenia.
Gerbera.
Haemanthus.
Hedychium.
Hibiscus.[7]
Hoya.
Ixora.
Jasminum.[7]
Kennedya.
Lamprococus.[7]
Leea.
Leptospermum.
Maranta.
Medinilla.
Metrosideros.
Monstera deliciosa (=*Philoden dron pertusum*).
Musa.
Nepenthes.
Nephthytis.
Nerium.
Ophiopogon.[7]
Orchids.
Palms.
Pandanaceae.
Pavonia.
Pelargonium.
Peperomia.
Philodendron.
Phormium.[7]
Phyllotaenium.
Plumbago.[7]
Poinsettia.
Pothos.
Primula.
Rhopala (=Roupala).
Sansevieria.

[7] Excepting hardy species.
[8] Excepting outdoor grown.
[9] Excepting hardy ferns.

Schismatogolottis.
Sonerila.
Spathiphyllum.
Stephanotis.
Strelitzia.
Syngonium.
Thunbergia.
Vanilla.
Veronica diosmaefolia.
Water lilies.
Xanthosoma.

(ii) *Buds and grafts*:
Buds of roses.
Grafts of apples, pears and rhododendrons.

B. Between October 16 in any year and March 31 in the following year, inclusive: Any trees, shrubs, or plants with bare or balled roots.

C. Between April 1 and October 15 inclusive in any year: *Raw vegetables*:
Root vegetables (excluding potatoes) free from foliage.
Asparagus.
Green beans.
Green peas.
Onions and shallots.
Pimentos.
Tomatoes.
Eggplant.

2. Provided that every consignment landed under the authority of this license shall be accompanied:

(a) in the case of plants, by the certificate prescribed in the Importation of Plants Order set out in the Second Schedule and a certificate in the Form B of the Third Schedule.

(b) in the case of raw vegetables, by a certificate in the Form B aforesaid.

3. Provided also that nothing in this License shall be deemed to permit the landing in England and Wales of sugar beets and mangolds (*Beta vulgaris* L.), any plant of the genus Ulmus or of the genera Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja, and Tsuga; and in Scotland or Northern Ireland of any of the above or any chrysanthemum plants.

CHANNEL ISLANDS

GUERNSEY

The plant quarantine import restrictions of the Island of Guernsey include the Islands of Alderney, Sark, Herm, and Rethou. They are based on the Destructive Insects and Pests Acts of Great Britain. Ordinances to control importations of plants and plant products are issued by the Royal Court of the Island of Guernsey. Those issued in 1946 and 1947 are concerned with European and inter-island traffic. Regulations affecting importations of plants and plant products from the United States follow, including an Ordinance passed May 15, 1948.

Certificate Requirements

A Federal phytosanitary certificate is required in duplicate for all living plants (except seeds) for planting. The original of the certificate must be mailed to the States Supervisor, States Office, Guernsey, before the plants are dispatched. A duplicate certificate is to be sent to the consignee. In the case of mail shipments a copy of the certificate shall be affixed to each package.

Importation Prohibited

All products of the soil from the United States, Canada, and several European countries, during the months of May to October inclusive, to prevent the introduction of the Colorado potato beetle (*Leptinotarsa decemlineata* Say).

Products of the soil not grown on trees or bushes from the same sources throughout the year.

(Products of the soil are defined as including agricultural and horticultural products, crops, plants, fruit and vegetables, which are not tinned or bottled, except bulbs lawfully imported from Holland.)

Plants of sugar beet or mangold (*Beta vulgaris* L.) from the United States and other foreign countries, to prevent the introduction of virus diseases.

Grapevines, except those entering under prescribed conditions of a permit issued by the Royal Court, to prevent the introduction of *Phylloxera vitifoliae* Fitch.

Gooseberry bushes and cuttings to prevent the introduction of gooseberry mildew (*Sphaerotheca mors-uvae* (Schw.) Berk. and Curt.)

IMPORTATION RESTRICTED

All living plants and parts thereof (except seeds) for planting, other than those prohibited: A Federal phytosanitary certificate in duplicate is required including a statement that no sugar beet or mangold plants are in the shipment.

Apples from the United States must be certified as conforming to one of the following grades:

"U. S. Fancy"	"Extra Fancy"
"U. S. No. 1"	"Fancy"

This certificate is issued by inspectors of the Fruit and Vegetable Branch of Production and Marketing Administration.

IMPORTATION UNRESTRICTED

Seeds from the United States.

JERSEY

Importation of Plants, Plant Seeds and Potatoes (Jersey) Order, 1947. Effective April 12, 1947

1. Definitions:

"The Committee" means the Committee of Agriculture.

"Importer" includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of, or is in anywise entitled to the custody or control of, any plants, plant seeds, or potatoes imported or to be imported.

"Plant" includes:

(a) Trees and shrubs and the fruit, tubers, bulbs, corms, rhizomes, roots, layers, cuttings, and other parts of a plant, except the seeds and

(b) All raw vegetables including raw eggplant, lettuce, onions, and tomatoes; but excludes potatoes.

"Plant seeds" means ovules fertiziled and matured and having an embryo within.

"Potatoes" includes potato tubers and the haulms, leaves, and stalks thereof.

2. Nothing in this order shall be deemed to prohibit or restrict the landing or transshipment in the island of any plants or plant seeds grown or landed in England, Wales, Scotland, Northern Ireland, the Isle of Man, Eire, or the other channel islands.

3. The landing or transshipment in the island of the following is prohibited:

(a) Plants or potatoes grown in Canada, the United States, or the continent of Europe.

(b) Plants of the following varieties or descriptions, wherever grown:

(i) Chrysanthemum plants.

(ii) All species of the genus Ulmus.

(iii) The following genera of the order Pinaceae—Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja, and Tsuga.

(iv) Any living plant of sugar beet or mangold (of the species *Beta vulgaris* L.).

(c) Plant seeds.

4. (1) A Federal phytosanitary certificate in triplicate in required with licensed shipments of plants, plant seeds or potatoes. The license may be issued by the committee and will include any conditions deemed necessary, and may be revoked or varied at any time by the committee, according to article 10 of the Order. The certificate must state that the shipment does not contain any chrysanthemum plants.

(2) Refers to shipments of flower-bulbs from the Netherlands.

5. Refers to potatoes grown in the United Kingdom of Great Britain and Eire.

6. Apples from the United States landed between July 7 and November 15, inclusive, in any year, must be certified by an authorized inspector of the Federal Department of Agriculture as one of the following grades: U. S. Fancy, U. S. (No. 1), Extra Fancy, or Fancy. The certificate must be in triplicate, and is issued by inspectors of the Fruit and Vegetable Branch of PMA.

7. The three copies of the above certificate are to be forwarded by mail as follows: one to the Committee, one to the importer, and one to the harbor master at St. Helier.

Articles 8–11 are of domestic interest providing for inspection, issuing of licenses by the committee, etc.

(NOTE.—From the above summary for Jersey it appears extremely unlikely that any licenses will be issued by the committee permitting the landing in Jersey of any plants or potatoes from the United States. It may be assumed

that shipments to Jersey from the United States would go via England, in which case the regulations of England and Wales would no doubt control the entry of the plants, as, according to article 2 above, plants or plant seeds landed in England will not be prohibited or restricted in Jersey, except that potatoes from the United States would not be admitted under any conditions.)

B. E. P. Q. 451, Supplement No. 3

SEPTEMBER 20, 1948.

PLANT-QUARANTINE IMPORT RESTRICTIONS, REPUBLIC OF TURKEY

CERTIFICATION OF DRIED FRUITS REQUIRED

The International Bureau of the Universal Postal Union reports in Circular No. 156 of July 27, 1948, that Turkish authorities consider both dried and fresh fruit as forming parts of plants, and therefore, these products must be accompanied by phytosanitary certificates indicating origin as well as freedom from pests upon their importation into Turkey.

This pronouncement by Turkish authorities extends the certification requirement for fresh fruit in Supplement No. 1 to dried fruit also.

P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

B. E. P. Q. 497, Revised, Supplement No. 2

SEPTEMBER 2, 1948.

PLANT-QUARANTINE IMPORT RESTRICTIONS, REPUBLIC OF VENEZUELA

IMPORTATION OF NATURAL FLOWERS AND SUGARCANE PROHIBITED

According to a report in Foreign Tariffs and Trade Controls issued by the Office of International Trade, Department of Commerce for the week ending August 16, 1948, the Ministry of Agriculture and Animal Husbandry of Venezuela, by Resolution No. 1 dated July 23, 1948, has prohibited the importation of natural flowers.

This information came to the Department of Commerce from the American Embassy in Caracas in a report of July 27, 1948. The action of the Venezuelan Ministry was taken on account of the danger of introducing numerous pests, as yet unknown in Venezuela, which are transmitted easily by flowers. The prohibition became effective immediately.

By Resolution of the Ministry of Agriculture and Animal Husbandry dated August 7, 1948, appearing in the Official Gazette of the same date, the importation into Venezuela of sugarcane plants or live parts thereof, is prohibited.

The importation of all necessary sugarcane planting material may be made only by the Ministry which requires a phytosanitary certificate to accompany all such shipments issued by technical officials in the country of origin.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

PENALTIES IMPOSED FOR VIOLATIONS OF THE PLANT QUARANTINE ACT

According to reports received by the Bureau during the period July 1 to September 30, 1948, penalties have recently been imposed by the proper authorities for violations of the Plant Quarantine Act, as follows:

FRUIT AND VEGETABLE QUARANTINE OF PUERTO RICO

In the case of the *United States* v. *Onofre Colon*, San Juan, P. R., for shipping via airplane from San Juan, P. R., to a point outside the regulated area, prohibited articles consisting of 26 fresh mangoes, falsely manifested as candy, the defendant pleaded guilty and was fined $25.

In the case of the *United States* v. *William M. Delboy*, doing business as Commercial Godil, San Juan, P. R., for shipping via airplane from San Juan, P. R., to a point outside the regulated area, prohibited articles consisting of three packages, each containing 12 mangoes, falsely manifested as candy, the defendant pleaded guilty and was fined $25 on each of three counts, a total of $75.

QUARANTINES AFFECTING MEXICAN PRODUCTS

In the case of the United States versus the persons listed below, for attempting to smuggle in contraband material, the penalties indicated were imposed by the United States Customs officials at the following ports:

Name	Port	Contraband	Penalty
Ramon Pacheco	Nogales, Ariz	7 green mangoes	$1.00
Maria Estrade de Leyva	do	5 mangoes	1.00
Andrea Mercedes Velez	do	42 plants and bulbs	2.00
Juana R. Huesca	do	9 fresh mangoes	1.00
Mrs. Apolonia Martinez Rodrigues	do	8 sweet limes, 3 mangoes, and 21 plants and cuttings.	2.00
Nick Gomez	do	14 plants	1.00
Fuertis Yepiz	San Ysidro, Calif	10 mangoes	3.40
Lucia Carrilla de Torres	do	27 mangoes	6.80
Mrs. J. C Knight	Brownsville, Tex	5 oranges	1.00
Mrs. F. Ortis Pena	do	4 mangoes and 2 plants	2.00
Fanny Johnson	do	2 mangoes	1.00
Daniel Cespedes Ceballos	do	3 avocados with seed	3.00
Emilio Echavarria	do	do	3.00
Eligio Laredo	do	7 sweet limes	1.00
Roberto Gonzalez	do	3 avocados with seed	1.00
Mrs. Dolores Lucio	do	1 pomegranate and 1 peach	1.00
Miss Maria Maldonado	do	1 avocado with seed	1.00
Aurelia Jiminez	do	10 assorted plants and 3 pears	2.00
Maria Isabel Pas	do	2 mangoes	1.00
Antonio Carlos Valdez	do	10 sweet limes	1.00
Felipe Ortiz	Del Rio, Tex	6 plants	2.00
Antonia de Morena	do	24 figs	1.00
Deefino Salazar	do	2 oranges	1.00
Julia Lara	do	2 peaches	1.00
Eudelia Nandin	do	15 avocados	2.00
Refugia Garcia	do	8 peaches	1.00
Virginia L. Lopez	do	1 apple and 2 avocados	1.00
A. H. Ponce	do	84 sugar cane nodes	2.00
Mrs. Carlato G. Buentello	Eagle Pass, Tex	2 avocado seeds, 1 peach, and 19 plums.	2.00
Refugia Torres	do	15 plants	1.00
Roberto de Angeles	do	2 apples, 1 mango, 1 orange, and 3 peaches.	1.00
Mickelita Garcia	do	4 figs	1.00
Mrs. Carmen Martinez	do	do	1.00
Manuela de Jesus Olivares	do	2 plants	1.00
Genaro Martinez	do	2 mangoes	1.00
Augustine Ramon	do	5 pomegranates	1.00
Mrs. Apolonia Cornel de Martinez	do	3 avocados	1.00
Rosalio Coronado	do	12 avocados	1.00
Josefa Ramirez	do	4 avocados and 13 peaches	1.00
Concepcion Willars	do	34 pomegranates and 5 peaches	1.00
R. D. Ledbetter	do	2 avocado seeds and 15 plants	2.00
Mrs. Mercedes Garcia	do	1 pear	1.00
Mrs. Aurora Garcia	do	2 pears	1.00
Luisa Reza Vda. Martinez	do	9 pomegranates	1.00
Mrs. Enriquetta Hesles	do	1 orange, 3 peaches, and 1 quince	1.00
Mrs. Manuela Rodriguez	do	10 avocados	1.50
Mrs. Esperanza Garza de Gerrero	do	1 avocado	1.00
Miss Anita Hernandez	do	1 quince	1.00
Luis Torres	do	1 peach	1.00
Mrs. Armandina Flores Castro	do	do	1.00
Mrs. L. L. Lopez	do	2 avocados	1.00
Mrs. Cruz Merendon	do	do	1.00
Miss Olga Cantu Montemayor	do	1 apple	1.00
Mrs. Beatriz Flores	do	4 avocados	1.00
Mrs. Matilda Vasquez de Luera	do	2 plants	1.00
Mrs. Moncivais Vda. de Borrego	do	3 avocados	1.00
Maria Auevara	El Paso, Tex	1 avocado with seed	1.00
Josephine Asua	do	2 mangoes	1.00
Sara Tapia	do	do	1.00
Maria Campos Ortega	do	6 avocados with seed	1.00
Maria Chacon Vda de Jaques	do	4 mangoes and 3 oranges	1.00
Luz Maria Herrera de Luna	do	5 mangoes	1.00
Gugerio Reyes	do	1 mango	1.00
Huctado Hacia Esperaza	do	do	1.00
Margarita R. de Ramos	do	8 plums	.50
Amalio Horruto	do	1 orange and 1 grapefruit	1.00

Name	Port	Contraband	Penalty
Esther Campas	El Paso, Tex.	2 mangoes and 3 avocados	$1.00
Herlinda Duchene	do	2 mangoes	1.00
Nieves C. Galvan	do	5 apricots	1.00
Teruan Galvin	do	2 pomegranates	1.00
Elvira Gutierrez	do	do	1.00
Gilberto Solturo	do	16 peaches	.75
Rosa Ramirez	do	1 quince	1.00
Salvador Fierro	do	11 avocados	1.00
Maria Aguilar Gutierres	do	2 avocados	1.00
Martina Griego vda. de Duarte	do	4 plants in soil	1.00
Soloman Santillan	do	8 pomegranates	1.00
D. S. Minjares	do	1 orange	.75
Baldomero T. Matamoros	do	1 plant	1.00
Maria de Jesus Serrano	do	6 avocados with seed	1.00
Maria Teresa Ortiz	do	2 pears and 1 quince	1.00
Juana Ortiz de Anchondo	do	do	1.00
Juana Marquez	do	1 avocado with seed	1.00
Capiana Trevino	Hidalgo, Tex.	9 plants	1.00
Esteben Sanchez	do	1 plant	1.00
Garcia Medina	do	4 plants and ¼ pound tree seed	1.00
Apolinoria Martinez	do	4 mangoes and 7 plants	1.00
Maria Enedina	do	1 avocado and 6 pears	1.00
Otilia Robledo	do	17 plants	1.00
Zulema G. Rios	do	3 pears	1.00
Jose M. Rodriguez	do	1 apple and 3 mangoes	1.00
Andrea Salinas	do	14 plants and ¼ pound tree seed	6.00
Maria M. Garza	do	2 mangoes	1.00
Manuel Gutierrez	do	6 mangoes and 2 pears	1.00
Henry L. Wise	do	14 plants and 13 Irish potatoes	1.00
Elvira Lopez de Marinez	do	1 plant	1.00
Guadalupe Ortega Guajardo	do	6 avocados	1.00
Maria Vela	do	1 apple	1.00
Mae Wilson	do	2 apples	1.00
Federico Villarreal	do	4 avocados	1.00
Refugio Garcia	do	do	1.00
Aurora Flora Guerra	do	5 plants	1.00
Jacoba Rodriguez	do	do	1.00
C. H. Guidry	do	do	1.00
Manuela Garza de Ramos	do	1 avocado	1.00
Maria Almanza	do	3 plants	1.00
Juan Ortiz	do	do	1.00
Altagracia Rodriguez	do	1 apple	1.00
Juan Ortiz	do	3 avocados	1.00
Maria Garcia	do	1 avocado seed and 3 plants	1.00
Earnest Keys	do	2 plants	1.00
Isidro Garza	do	1 plant	1.00
Mrs. J. R. Commander	Laredo, Tex.	9 plants	1.00
Francisco Cortez	do	3 plants	1.00
Miss Delgada Esperanza	do	2 mangoes	1.00
Shi Wai Ng	do	do	1.00
Mrs. Paula Mora de Garcia	do	do	1.00
Julian Cantor	do	do	1.00
Chas. D. Blaco	do	do	1.00
Isabel Navarro Flores	do	do	1.00
Paula Valledo Flores	do	8 mangoes and 3 avocados	2.00
Maria Angelina Villarreal	do	11 avocados with seed	1.10
Elsa de Hoyos de Reyes	do	2 plants	1.00
Herlinda Hernandez	do	1 plant	1.00
Maria Rayna de Lopez	do	18 avocados with seed	4.00
Eduardo Fossas	do	3 mangoes, 2 oranges, and 21 orchid plants,	4.15
Berber Ramirez	do	¼ pound tree seed	1.00
Rodolfo Perez Castelan	do	2 avocados with seed	1.00
Maria de Jesus Ramos	do	do	1.00
Salome Cepeda Rodriguez	do	do	1.00
Henry Aguirre	do	57 sweet limes, 14 pomegranates, 7 peaches, 1 apple, 1 orange, and 1 mango seed.	3.00
Christine Esquivel	do	5 plants	1.00
Eduardo Rodriguez	do	11 avocados	1.10
Gerada Cervantes de Medina	do	14 avocados	2.00
Julia Nieto de Martinez	do	3 cuttings	1.00
Albert Arnost	do	11 sweet limes	1.00
Mrs. Louisa B. de Jimenez	do	6 plants	1.00
Leon Levinson	do	3 mangoes	1.00
Reymundo Campos	do	109 avocados	10.00
Jose Alex Marmelizo	do	4 mangoes	1.00
Juan Castro Rodriguez	do	1 plant and 2 pears	1.00
Mrs. S. Arkdardo de Garza	do	2 avocados	1.00
Jose A. Garcia	do	2 quince and 1 pomegranate	1.00
Dolores Ramones	do	12 avocados	2.00
Gregario Rangel	do	11 oranges	1.00
Virginia Ortez de Garza	do	1 mango	1.00
Mrs. Diego Flores	do	2 peaches	1.00

Name	Port	Contraband	Penalty
Arturo Maldenado	Laredo, Tex.	1 avocado	$1.00
Florentino Gomez	do	do	1.00
Feticitas Ramirez	do	2 peaches	1.00
Mary E. Seville	do	5 plants	1.00
Rudolf Molano	do	do	1.00
Tomasa Sanchez de Rico	do	3 cuttings and 7 sweet limes	1.00
Dolores H. Botello	do	1 cactus plant and 1 avocado seed	1.00
Mrs. Elena Mata	do	2 avocados	1.00
Manuel Arzola de Flores	do	do	1.00
H. Rodriguez Mendieta	do	do	1.00
Ignacia Sanchez	do	do	1.00
Maria de J. Manzano	do	4 quinces	1.00
Miguel H. Reyes	do	6 guavas	1.00
Jesusa S. de Garcia	do	10 jobos and 3 guavas	1.00
Rafaela Lopez de Flores	do	2 plants	1.00
Alicia Arce	do	1 avocado seed and 1 plant	1.00
Maria Teresa de Garcia	do	10 bulbs	2.00
Blasa Salis de Sanchez	do	4 avocados with seed	1.00
Ramon Fernandez	do	1 avocado with seed	1.00
Esteban Torres	do	9 sugarcane nodes and 2 plants	2.00

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